

## Use of Force Policy

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<b>Approved by:</b> David Easthon, Gordon Snow	<b>Date Last Approved/Reviewed:</b> 12/03/2014	<b>Prepared by:</b> Sandra Liptow (PROGRAM ADMINISTRATOR)	<b>Effective Date</b> 12/03/2014

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### PURPOSE

This policy is designed to provide Police Officers with relevant and useful guidance and direction to enable performance of duties with confidence, discretion, and effectiveness as it relates to use of force. The underlying principle of this policy is to apply the minimum amount of force **necessary to control an incident** or a suspect while providing for the safety of citizens, Cleveland Clinic Police Officers, and suspects. Force is viewed on a progressive spectrum, **as illustrated in the Action –Response Continuum included with this policy**, and the amount of force administered in any situation (**i.e., minor misdemeanor through felony crimes, traffic stops**) will be driven by necessity and reasonableness, given the circumstances surrounding the use of force. **Officers will be cognizant that the level of threat to Officers or others may change during the evolution of a specific incident. Officers will continually evaluate situations and take advantage of any opportunity to de-escalate use of force throughout the event’s evolution.**

### POLICY

Cleveland Clinic Officer’s will use reasonable force against an offender only if it appears necessary to effect an arrest, prevent an escape, to prevent injury to a person or property, to maintain or restore order, or as necessary to accomplish lawful objectives. If physical force is required, Officers will use the minimum amount necessary to control an offender. Officers will never use physical force to threaten or punish an offender. Excessive use of force is not endorsed, is not accepted, and will not be tolerated by the Cleveland Clinic Police Department (CCPD). **The use of force Action – Response Continuum is applicable to all CCPD policies and procedures.**

### DEFINITIONS

*Control* - The force used by an Officer to influence or neutralize the resistance of an offender who is performing unlawful physical actions.

*Custody* - The care and control of a thing or person; the detention of a person by virtue of lawful process or authority.

*Deadly Force or Lethal Force* - A degree of force that may result in the death of the person against whom the force is applied. Force likely or intended to cause death or great bodily harm; may be reasonable or unreasonable depending on the circumstances. Deadly/lethal force specifically includes but is not limited to the following:

- discharge of a firearm aimed at a person;
- use of an impact weapon or instrument against the unprotected head of a person;
- forcing a car off the road; and
- choking the neck or restricting the airflow of any person.

*Escape* - Leaving physical confinement without permission; the departure or deliverance out of custody of a person who was lawfully imprisoned or detained before he/she is entitled to liberty by the process of law. To flee from; to avoid; get away; flee to avoid arrest.

*Law enforcement Officer* - An Officer who is certified and sworn according to the General Statutes of the State of Ohio and the Ohio Revised Code. The term Officer will be used interchangeably with law enforcement Officer in this policy and will have the same meaning. Cleveland Clinic Police Officers are law enforcement Officers.

*Non-lethal force* - Any physical contact that may result in bodily injury short of serious injury or death.

*Pressure Point Control* - A system of controlling low level resistance through the application of pressure to certain locations in the head, neck, and body which are highly susceptible to pain.

*Resistance* - The force used by an offender against an Officer when the Officer is trying to control the unlawful physical actions of the offender. Additional definitions related to levels of resistance are provided on pages 3-5 of this policy.

*Use of Force* - The use of any weapon, tool, or object (including parts of a person's body) by a person which causes actual physical contact of the same or another object against the body or clothing of another person which is applied to subdue, stop, or otherwise exert control over the person against whom it is applied. Additionally, use of a motor vehicle to physically stop a person or another motor vehicle is considered to be the use of force. **A Use of Force Report is required for any situation in which an Officer verbalizes or demonstrates the intent to use force. These situations include, but are not limited to the following examples: advising the suspect of an intention to use force if voluntary compliance is not demonstrated, drawing and loading (extending) the expandable baton, drawing a Taser or firearm.**

*Reasonable Belief* - The facts or circumstances the Officer knows -- or should reasonably know -- which would cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

*Serious Physical Injury* - A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily part, limb, or internal organ.

*Tactical Baton* (also known as ASP -- Armament System and Procedures) – An intermediate force weapon issued by CCPD. The metal baton is 9” when closed and expandable to 26” when fully opened. The baton may be employed in either open or closed modes as a defensive weapon.

*Taser* – An intermediate force weapon issued by CCPD. Taser is a brand name of a widely used Control Electro Weapon. Control Electro weapon refers to weapons designed to disrupt a subject’s central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individuals voluntary motor responses.

The following definitions refer to the **Levels of Resistance**:

An Officer's actions and response to resistance from an offender or suspect will be based upon his/her perception of the offender's level of resistance and intent and in consideration of the offense(s) committed (or believed to have been committed) by the offender. Officers will be trained to use the minimum amount of force necessary to control a subject who is offering any level of resistance. Refer also to Ohio Peace Officer Training Academy -- OPOTA -- "Action-Response Use of Force Continuum Chart".

### 1. Psychological Intimidation

- a. Non-verbal actions, often called body language, influences an Officer's approach to an offender and the level of force to be used if an offender begins to offer resistance. Non-verbal intimidation actions may include, but are not limited to, crossing of the arms, clenching of the teeth or fists, widening of foot stance, or a stare or blank expression. These actions warn an Officer of an individual's emotional state and often indicate an offender's mental and/or physical readiness to resist an Officer's command.
- b. Non-verbal intimidation actions can serve to warn an Officer of an offender's potential for violence even though the offender has offered no verbal or overt threats. An Officer's interpretation of an offender's non-verbal intimidation signals is not justification for offensive action by the Officer but can be used as information to mentally prepare an Officer for the possible need to take offensive action. An Officer who interprets non-verbal signals and believes that physical control is necessary to prevent a subject from injuring himself or others may initiate action before any overt moves are made by the offender.
- c. Example: An Officer is confronted by an offender who is staring intently at the Officer. The offender has his arms crossed, fists clinched, feet spread shoulder-length apart, is in a crouched or fighting position, and his face is red with veins bulging in the neck or temple.

### 2. Verbal Non-compliance (Resistive Dialogue)

- a. Resistive dialogue is comprised of verbal statements by an offender which may include boasting of fighting skill or statements of intent to injure an Officer. Statements which include overt or implied threats of physical injury may influence an Officer's opinion as to the amount of force required to effect control of the subject.
- b. The reaction to verbal threats made by a subject may differ from Officer to Officer. An Officer must base the decision as to the necessary level of force upon his/her perception of the threat and the subject's ability to carry out the threat. An additional factor is the Officer's knowledge of his/her own physical ability to manage the threat present. If the Officer believes that he/she does not have sufficient skill to establish control with empty hand methods, he/she is trained to escalate to the reasonable level of force necessary to achieve control of the situation.
- c. Example: An offender says, "If you try to arrest me, you'll need more help!" or "you'll leave me alone if you know what's good for you!"

### 3. Passive Resistance

- a. Passive resistance is the lowest form of physical resistance. The offender resists control through passive physical actions. Passive resistance is usually in the form of relaxed or "dead weight" posture intended to make the Officer lift, pull, or muscle the offender to establish control. At this level, the offender never makes any attempt to defeat the physical control of the Officer.

- b. Example: An Officer confronts a "limp" offender who is lying on the ground. When the Officer asks the offender to get up, the offender refuses to stand up and continues to lie on the ground.

#### 4. Defensive Resistance.

- a. Officers may confront an offender who physically resists the Officer's attempt to exert control over them by using overt defensive physical actions. With this level of resistance the offender attempts to pull away in a manner that does not allow the Officer to establish control but stops short of attempting to assault or disarm the Officer.
- b. Examples:
  - 1) An offender pulls away from the grasp of an Officer in an attempt to run away and escape.
  - 2) An offender grabs a steering wheel and refuses to let go. The offender is resisting the Officer's attempt to exert control over him.
  - 3) During a "sit-in" a group of people lock arms and sit in a rigid, upright position. The offenders pull away and resist efforts by Officers to separate the offenders.

#### 5. Active Aggression.

- a. Active aggression is any attempt by an offender to attack an Officer with the intent to defeat attempts of control. The attack is a non-deadly physical assault on the Officer in which the offender strikes or attempts to strike or uses techniques in a manner which may result in injury to an Officer or others. This level of resistance involves empty hand assaults and does not include the use of a weapon. Active aggression may include a simple assault or pushing, striking, kicking, and punching.
- b. Examples:
  - 1) An Officer confronts an offender who rushes toward the Officer with his arms outstretched in an attempt to strike the Officer.
  - 2) An offender attempts to punch or kick an Officer in the legs.

#### 6. Aggravated Active Aggression.

- a. Aggravated active aggression is any attempt by an offender to attack an Officer wherein the Officer may be justified in the use of lethal force. At this level, an Officer faces not only resistance to control but also overt physical actions from the offender with an object (such as a knife or gun) or is attacked in a manner which could result in death or serious physical injury to the confronting Officer or others.
- b. Examples:
  - 1) An Officer confronts an offender who kicks the Officer in the groin. The Officer becomes disabled and cannot defend himself/herself. The offender continues to strike and/or kick the Officer in the head, chest, or groin.
  - 2) The Officer confronts an offender who is approximately thirty (30) feet from the Officer and who is walking slowly toward the Officer brandishing a knife in a menacing manner. If the offender continues to advance despite verbal warnings to halt, the Officer will soon be imminently threatened with aggravated active aggression.

## PROCEDURES

- A. Alternatives to The Use of Force: For Officers to be authorized to use force against an offender, an Officer **must first exhaust all other reasonable and practical alternatives to force**, which include but are not limited to the following:
1. Attempt verbally to convince the offender to cooperate, which may include telling the offender what will happen if he/she fails to cooperate.
  2. If verbal persuasion fails to secure cooperation and restore order, contact back-up personnel and try to persuade the offender to cooperate through a threat of force.
  3. These alternatives must be exercised only if they are "reasonable and practical" under the circumstances. For example, Officers may use force immediately when responding to direct physical attack. An Officer is not required to risk injury by resorting to verbal persuasion under circumstances where it is unlikely to bring about cooperation.
- B. A law enforcement Officer is **justified in using physical force** or force upon another person when and to the extent that he reasonably believes it necessary to:
1. To prevent the escape from custody or to effect an arrest of a person who he reasonably believes has committed a criminal offense (unless he knows that the arrest is not authorized).
  2. To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to affect an arrest or while preventing or attempting to prevent an escape.
- C. A law enforcement Officer is **justified in using deadly force** upon another person only when it is or appears to be reasonably necessary:
1. To effect an arrest to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon, or who by his conduct or any other means indicates that he presents an imminent threat of death or serious injury unless apprehended without delay.
  2. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly force.
  3. Deadly force may be used against an escaped convicted felon if the offender used a weapon to escape or resist, or other circumstances indicate that the felon/escapee presents an imminent threat of death or serious bodily injury to others unless immediately apprehended.
  4. When the offender is attempting to disarm the Officer.
- D. General Provisions for the Use of Force
1. The use of force is permissible only in accordance with Cleveland Clinic Police Department (CCPD) policy. Nothing in this policy will be construed as authorizing the use of unnecessary or excessive force.
  2. The prohibition against the use of unnecessary force will not be construed as requiring an Officer to meet an assaultive or resisting subject with strictly equal force. Rather, an Officer is allowed to use the degree of force which would appear reasonably necessary to bring the subject under the Officer's control.
  3. The degree of force employed will be considered in the context of the number of subjects present, the type of resistance employed, the number of Officers present, and

other relevant circumstances. The kind and amount of force reasonable and necessary for self-defense or offender control will not be the same for all Officers. Differences in Officer size, age, strength, skill level, medical condition, defensive equipment, and experience may justify different levels of force in overcoming a resistive offender.

4. Officers will not use force merely as a result of verbal provocation (Psychological Intimidation or Resistive Dialogue), however extreme.
  5. Officers will not strike or attempt to strike individuals who are handcuffed or who have been otherwise sufficiently restrained unless such person is attempting to kick, bite, or otherwise assault the Officer and the Officer cannot otherwise reasonably avoid such assault and still carry out the Officer's assigned duties.
  6. An Officer may use reasonable force to require an uncooperative individual to move from one place to another if the individual refuses to do so on his/her own accord if the movement is necessary to accomplish a reasonable and lawful purpose.
  7. In circumstances where Officers are assaulted or where the subject resists arrest or relocation, Officers should lodge appropriate criminal charges against the subject after the fact.
- E. Non-Lethal Force: the non-lethal force that an Officer uses to gain control over an offender's resistant actions may be divided into the following categories:
1. Officer Presence: In some situations, the mere presence of a law enforcement Officer is sufficient to de-escalate a potential force-on-force situation.
  2. Verbal Direction.
    - a. The majority of situations can be resolved by good communications skills or verbal direction. Often, verbal direction will sufficiently persuade many individuals to comply without incident.
    - b. In any verbal confrontation, fear and anger must be defused before an offender will be able to understand the Officer's commands.
    - c. Officers will employ good communications skills and patience in an attempt to prevent confrontations from escalating to higher levels.
    - d. Officers are expected to apply skills, techniques and training learned in crisis intervention training.
  3. Empty Hand Control - These techniques cover a number of offender-control methods. Some of these methods are as subtle as gently guiding an offender's movements to more dynamic techniques such as strikes, stuns, and kicks. This policy divides Empty Hand Control techniques into two (2) basic categories:
    - a. Soft Empty Hand Control Techniques. This level of control is designed to control lower levels of resistance including passive resistance and lower levels of defensive resistance, but can be used to control any level of physical resistance. Soft Empty Hand Control techniques result in minimal possibility of injury. Soft Empty Hand Control techniques include pain compliance techniques such as come-along, joint locks, and pressure point control.
    - b. Hard Empty Hand Control Techniques. This level of control is designed to control higher levels of defensive resistance and active aggression. These controls are

applied whenever lower forms of control have failed or where not applicable because the offender's resistance level is perceived by the Officer as being at a dangerous level.

- i) Control techniques which fall into this category have a higher probability of creating soft or connective tissue damage, skin lacerations requiring medical attention, or bone fractures. Although use of these techniques may create some injury to the offender, an Officer may risk injury to himself or be forced to use higher levels of control (such as intermediate weapons) if Hard Empty Hand Control techniques are not used.
- ii) Hard Empty Hand Control techniques include "quick penetration" or "striking" techniques to pressure points or major muscle masses. They may be delivered with an Officer's open hand, fist, forearm, or foot. The preferred target are pressure points which may be found in the head, neck, or shoulder areas or major muscle masses such as the legs, arms, shoulders, or neck. However, it may be necessary for Officers to strike areas where there is a higher potential of injury such as the face or other sensitive areas of the body.
- iii) This department does not authorize the use of any neck restraints or similar weaponless control techniques that pose a greater potential for serious injury.

#### 4. Authorized Intermediate Weapon Control (less lethal weapons)

- a. These techniques cover methods, which involve the use of weapons other than an Officer's body.
- b. These weapons include, but are not limited to batons (impact weapons), and Tasers.
- c. The Cleveland Clinic Police Department uses the A.S.P. Tactical Baton as the intermediate impact weapon of choice. Hard intermediate weapons provide a method of controlling offenders when lethal force is not justified but when Empty Hand Control techniques are not sufficient or practical to establish control.
  - i) Officers may use a baton (impact weapon) as a defensive weapon to control an offender when the use of the baton (impact weapon) is authorized.
  - ii) Officers are prohibited from using a baton (impact weapon) unless the baton (impact weapon) is issued by the CCPD or approved in writing by the Chief of Police.
  - iii) The A.S.P. Tactical Baton (impact weapon) may be used to control resistance in the form of active aggression and lower levels of aggravated active aggression.
  - iv) An Officer should use an Intermediate Weapon for the sole purpose of controlling an offender and never with the intent or goal to impose permanent injury, maim or punish an offender.
  - v) When an Intermediate Weapon is used as a striking tool or to block blows, it is quite likely that some form of skin irritation, bruising, soft tissue damage, connective tissue damage, or bone fractures may occur.
  - vi) A baton (impact weapon) may not be used to deliberately strike the head, groin, or any other potentially lethal area of the body unless the use of lethal force would be authorized against the offender. Inadvertent strikes to these areas during a confrontation may occur but an Officer must not deliberately target these areas.

- vii) An Officer must receive training in the use of the baton (impact weapon) annually or as directed by Department policy.
- 5. The Taser non-lethal intermediate Control Electro Weapon is specifically covered in **CCPD Policy # 312 Control Electro Weapon**.
- 6. OC spray and other chemical agents are not authorized CCPD intermediate force control weapons.

#### F. Lethal Force - Use of Firearms

The use of lethal force by a Cleveland Clinic Police Officer must be in accordance with Ohio Revised Code (O.R.C). Law enforcement Officers in their capacity as armed law enforcement Officers providing a protective service bear tremendous responsibility for the proper use of their weapons. Each individual Officer has a moral, civil, and criminal responsibility for his actions. The agency that employs him or her has a similar responsibility to provide training and to establish and enforce guidelines for armed employees. Only law enforcement Officers commissioned by the State of Ohio and commissioned through the City of Cleveland Safety Directors Office will be authorized to carry a firearm at Cleveland Clinic Health System facilities.

1. Department Officers will exhaust every reasonable means of defense before resorting to the use of lethal force. Lethal force would then only be used as authorized and prescribed by CCPD policy. Officers are authorized to discharge their firearms under the following conditions:

- a. When there is reasonable belief that such force is necessary in defense of human life of the Officer or another individual or in defense of any person in imminent danger of serious physical injury.

- b. To apprehend the perpetrator of a felony which involved the use or threatened use of deadly force and in circumstances when the individual who is sought poses an immediate threat to the life and/or safety of the Officer or other individual(s) if his / her capture is delayed.

- c. During weapons qualification or any other training session when so authorized by an instructor

- d. Firing a weapon at or from a moving vehicle is rarely effective and it presents an extreme danger to innocent persons, and particularly if the officer in a moving vehicle is attempting to use a firearm. A moving vehicle in and of itself is not a presumed threat that justifies the use of deadly force (e.g. a vehicle avoiding a roadblock or officer deployed road spikes in and itself is insufficient justification to shoot at a moving vehicle); unless it can be clearly and convincingly articulated that:

- o The vehicle/occupant(s) poses an immediate and/or continued threat of death or serious physical harm **and**
- o There are no other reasonable means available to avert or eliminate the threat **and**
- o The deployment of deadly force does not place innocent persons at risk of stray gunfire or harm from an uncontrolled vehicle.

#### 2. Forbidden Uses of Firearms

- a. Firing at a fleeing person is forbidden except as provided in (d) above.

- b. Firing *at* a motor vehicle in which a person is attempting to escape or *from* a motor vehicle while it is in motion is forbidden except as provided in (d) above.
- c. Use of a firearm to strike a blow is forbidden.
- d. Firearms will not be used to warn, threaten, or bluff and the use of warning shots is forbidden.
- e. Firearms will not be used when the Officer is aware that firing the weapon creates a substantial risk of causing serious physical injury or death of an innocent person unless articulable exigent circumstances exist and the Officer's action poses less risk than inaction. For example, discharging a firearm into a crowd or shooting into a building or through a wall, where the subject is not clearly identified and it is unknown if there are other occupants present.

### 3. Authorized Weapons

- a. No weapon of any kind will be carried or used except those issued by the CCPD or authorized in writing by the Chief of Police.
- b. No ammunition will be carried or used except that which is authorized / issued by the Department and ammunition will not be altered in any manner.
- c. Each weapon will be inspected and approved for use by the department's armorer prior to being issued.
- d. The Firearms Instructor will maintain a record on each department authorized weapon.
- e. Any object not specifically approved for use as a weapon is prohibited for use as a weapon.
- f. No adjustments, alterations, or repairs will be performed on any firearm except by the Department's Firearms/Armorer or by an authorized repair facility.

### 4. Security of Weapons

- a. Officers must be knowledgeable of all safety features associated with the weapon they are authorized to carry.
- b. Officers will not permit others to handle their CCPD authorized firearm unless instructed to do so by a supervisor.
- c. Each Officer is responsible for the weapon(s) issued to him/her and for safeguarding the weapons from loss or theft at all times.
- d. Police Officers are allowed to take their firearms home with them after duty. This privilege results in special precautions and responsibilities for those Officers. In effect, if an Officer chooses to take his/her firearm home, he/she must assure that it will be properly safeguarded and stored as follows:
  - 1) in a place where it will not be subject to theft.
  - 2) in an area which is not accessible to children or other individuals.
  - 3) in a location not visible to individuals who may visit the Officer's residence.
- e. Police Officers who do not desire to take their firearms home must store them at the Cleveland Clinic Police Department headquarters in designated lockers.
- f. CCPD **Policy #310 Weapons Storage** provides additional guidance concerning firearms security.

## 5. Drawing the Weapon

- a. When responding to a situation which presents an immediate and deadly threat or where standard law enforcement training teaches that the weapon should be drawn, the weapon may be drawn.
- b. When the weapon is drawn for maintenance, inspection, or long-term storage, it will not be pointed in the direction of any person, and will be immediately unloaded and cleared.

## 6. Surrender of Weapons: an Officer will only relinquish his / her weapon under the following circumstances:

- a. Every Officer of the Department is required to surrender his/her weapons immediately upon request to any Officer of higher rank who asks for the weapon.
- b. Officers will remove their weapons and place them in the gun lockers when responding to a psychiatric or chemical dependency unit, unless exigent circumstances dictate otherwise.
- c. An Officer requiring medical attention will transfer his / her weapon to a fellow Officer or Supervisor.

## 7. Holster Retention Mechanisms should not be disabled except in clearly dangerous situations -- never in a casual manner or to bluff or threaten a subject. Consider the following:

- a. If a weapon has to be drawn, the retention mechanism does not significantly slow down the action. Speed of draw is a largely irrelevant factor in successful weapon engagements.
- b. If the retention mechanism is disabled and, rather than drawing the weapon, a physical confrontation or chase ensues, the weapon is likely to fall out of the holster accidentally.
- c. If it is not necessary to draw a weapon after disabling the mechanism, the act of activating the holster may be perceived by observers as an unnecessarily provocative gesture that forms the basis of a complaint against the Officer.

## G. Medical Attention

1. When an offender has been apparently injured or complains of injury subsequent to the use of force, Officers will obtain necessary medical attention for the offender. The Officer should – while retaining positive control of the offender -- render first aid and transport the offender directly to the Emergency Department for examination by a physician prior to booking procedures.
2. Whenever an Officer uses Hard Intermediate Weapon Control or Lethal Force against an offender wherein the offender is struck, touched, or otherwise affected -- whether or not injury is apparent -- the Officer will determine the physical condition of any injured party, render first aid if appropriate, and transport the offender to the Emergency Department to be examined by a physician. The Officer must notify his/her supervisor immediately of the use of force, the location, and circumstances of the incident.

## H. Reporting Procedure

1. Immediate Notification Requirements: It is the duty of an Officer's supervisor to immediately notify the Chief and Operations Commander at any time of the day or night if any of the following occur:
  - a. An Officer draws and points a firearm at an individual or discharges a firearm for any reason other than scheduled training.
  - b. **An Officer draws and displays an expandable baton or Taser indicating intent to use force.**
  - c. An Officer, **suspect and / or another involved person** is injured requiring medical treatment.
  - d. An Officer dies while on-duty or during law enforcement-related activities, including training.
  - e. An Officer takes an action that results in the injury or death of another person. The Officer-in-charge will also notify the Cleveland Police Department as required by the Cleveland, Division of Police General Order, 1.3.12 (Protocol with Outside Agencies, item D (4) "Use of Deadly Force by other Departments". As stated in the referenced section of the Protocol, Cleveland Police Department chooses to retain jurisdiction for the investigation of Officer involved shootings and the use of deadly force by other departments within the City of Cleveland.
  - f. **The Chief of Police or his designee will make notifications to Protective Services Administration as soon as practical, but within two hours of the reported event.**
2. Report requirements: A written report and CCPD Form #47 (Use of Force Report) for each incident will be submitted to the Chief of Police via the chain-of-command whenever an Officer:
  - a. Takes an action that results in (or is alleged to have resulted in) injury or death to another person.
  - b. Points a firearm at another person.
  - c. Discharges a firearm while on-duty or during law enforcement-related activities, other than training or recreational purposes.
  - d. Applies force against another person through the use of non-lethal weapons.
  - e. Applies weaponless physical force against another person in which criminal charges could be brought against a suspect / offender.
  - f. Applies force in response to a crisis intervention.
  - g. **A Use of Force Report is required for any situation in which an Officer verbalizes or demonstrates intent to use force.**
3. The Use of Force Report will include but is not limited to the following information:
  - a. Detailed description of the incident, including the events leading to the use of force.
  - b. Offender's resistance level and actions during the incident.
  - c. Verbal commands given and identification of diffusion or de-escalation strategies used.
  - d. Offender's response (verbal or body language) and any racial or profane language used.

- e. Description of control techniques and/or weapons used by staff, if any, and the manner in which they were used.
- f. If restraints were applied, who applied them and to whom they were applied.
- g. If medical personnel were summoned, their findings and any injuries inflicted, if any. If medical personnel were not contacted, state the reason.
- h. Describe escort procedures used, if any.
- i. Describe any injuries sustained by staff.
- j. List all participants in and witnesses of the incident and identify if the incident was known to be recorded by a witness/bystander.
- k. Identify any other action taken by an Officer who used force including criminal charges filed against the suspect.

#### 4. Timeliness of Report

All Officers involved in a Use of Force event will (if physically able) submit a verbal and written report with all pertinent information to their first-line supervisor immediately after the occurrence of the event (except as noted below). A report is required whether the incident occurred while on-duty or off-duty, intentionally or by accident. Accidental discharges will be reported immediately whether the discharge results in physical or property damage or not.

- a. An Officer involved in a “Deadly Force” incident will be afforded a 24-hour waiting period before submitting any written statement about the incident.
- b. An Officer will submit a statement that is clear, concise and articulates the circumstances before, during, and after the “Deadly Force” incident.
- c. An Officer will minimize verbal statements to bystanders, media and any witnesses at a “Deadly Force” incident.
- d. An Officer should request time and isolation to regain the composure necessary to submit an accurate description of events related to the incident.

#### I. Responsibility of Supervisory Personnel After Use of Force

##### 1. The shift Lieutenant will:

- a. Immediately take custody of the Officer’s weapon. The weapon will be secured and released to the Investigating Officer.
- b. Review the Use of Force report to ensure that all relevant information is provided and then forward the report to the Operations Commander and/or the Chief of Police along with a statement of any additional information known to the Lieutenant.
- c. Review each report to determine whether there are policy, training, weapon / equipment, or discipline issues which should be addressed. If such issues are discovered, an additional statement will be completed by the Lieutenant detailing these issues and be included in the submission to the Operations Commander.

##### 2. The Chief of Police will:

- a. Assign the Officer(s) involved in the incident to administrative duties within the police department pending the results of an internal investigation.

- b. Refer the Officer(s) to Concern and/or the Psychologist (Employee Assistance Program) for evaluation.
- c. Make a determination on the Officer(s) duty status after reviewing investigative reports and results of psychologist evaluations.
- d. Appoint an Investigating Officer.

### 3. Investigating Officer

- a. Conduct a complete and thorough investigation of each incident.
- b. After the investigation is completed, forward the report of the investigation and any attached statements to the Chief.
- c. Include a statement of findings which will contain the relevant facts and circumstances surrounding the incident and conclusions as to whether any Officer's conduct violates any law or any rules, regulations, standards, operating procedures, directives, or orders of the CCPD.
- d. Include the following in the report at a minimum:
  - 1) For use of force investigations, indicate whether the use of force was in compliance with existing policy;
  - 2) For shooting incidents, indicate if the discharge of a firearm was justifiably in the line of duty or an accidental discharge;
  - 3) Indicate whether or not the incident was avoidable
  - 4) Identify considerations to improve training;
  - 5) Identify the quality and role of supervision in the incident;
  - 6) Identify the role of the Communications Center in the incident;
  - 7) Assess Officer behavior to aid in determining current or possible future organizational liability.
- e. As stated in section H 1 (d) of this policy Cleveland Police Department chooses to retain jurisdiction for the investigation of Officer involved shootings and the use of deadly force by other departments within the City of Cleveland. The CCPD command staff and appointed investigator will be cognizant of this protocol and will fully cooperate with the CPD investigative team.

### 4. Professional Standards Commander

- a. Review all Use of Force investigative and supervisory reports for the purpose of improving policies, training, and operational procedures.
- b. Each January, conduct an annual analysis of Use of Force forms submitted during the previous year and submit a report to the Chief of Police, which will include any indications of patterns or trends, any identified training needs, equipment upgrades, and/or policy modifications.

### J. Administrative Leave

- 1. Any Officer whose use of force results in a death will be placed on administrative leave with pay for a period of time to be determined by the Chief of Police.
- 2. Based on information received during the preliminary investigation of the incident, the Chief may extend the administrative leave, place the Officer back on active duty, or suspend the Officer pending administrative hearings if there is indication that the Officer violated Departmental policy.

### K. Counseling

1. Any Officer whose use of force results in a death or serious physical injury or any Officer who points or fires a firearm in the course of his/her duties will be required upon request of the Chief of Police to undergo counseling with a qualified psychologist or other qualified professional, at the Department's expense, for such period of time as is deemed necessary.
2. Officer(s) will be kept appropriately informed of their status throughout their period of leave and counseling.

#### L. Training

1. The Cleveland Clinic Police Department Training Unit is comprised of Ohio Peace Officer Training Council certified instructors.

The Training Unit will annually monitor didactic and practical skills instruction and testing in lethal weapons qualifications, electronic controlled weapons, and the Use of Force Continuum. In order to remain authorized to use these weapons / devices, members will successfully complete approved training, including review of policy and procedures on an annual basis.

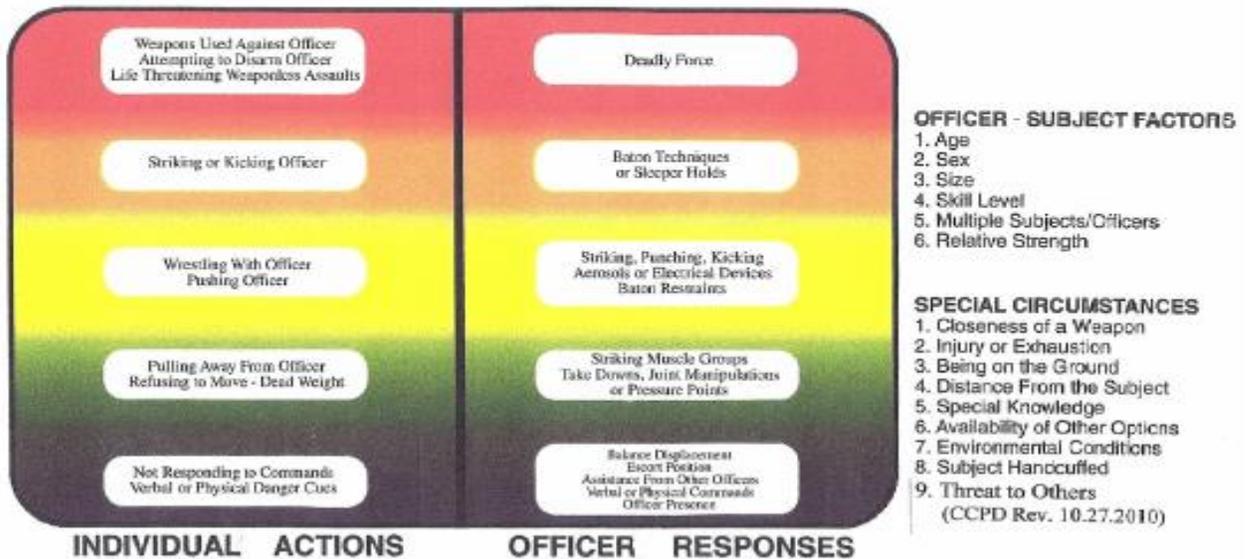
- a. The detailed curriculum for each of the above referenced training categories is maintained by the Training Unit.
- b. The Training Unit also maintains documentation of annual / biennially proficiency / qualification with weapons associated with this training.
  - 1) Officers will be provided training on any piece of equipment before the Officer is allowed to carry the equipment on-duty.
  - 2) Training will be conducted by certified instructors who are qualified to instruct for that particular piece of equipment.
  - 3) All training will meet or exceed the minimum standards recommended for the piece of equipment.
  - 4) Trainers will use the Department firearms simulator to enhance Officer decision-making employing a variety of challenging and realistic scenarios that foster detailed knowledge of this policy.
2. The Training Unit will biennially monitor didactic and practical skills instructions and testing in non-lethal weapons qualifications. Only persons who have successfully qualify and completed department-approved training shall be authorized to deploy them during actual operations.
3. Any Officer who fails to meet the prescribed standards in the training curriculum is required to complete a remedial training program. During the remedial training program, the Officer is not permitted to carry any weapon with which he did not qualify.
4. The Officer may be placed on restricted duty or administrative leave until he/she successfully completes the remedial training and qualifies with the weapon. The specific detailed content of remedial training is outlined in the Training Policy.
5. The Training Unit will utilize the Prism AIS Weapons Simulator as one component of the use of force and weapons training program. The Prism system presents pre-packaged scenarios to allow training and evaluation of the Officer's use of force decision making process and to a limited degree the Officer's weapons proficiency including the handgun, Taser, shotgun and rifle.

#### M. Discipline

1. Officers will be subject to discipline, up to and including dismissal, if his/her use of a weapon involves:
  - a. Violation of the law
  - b. Violation of Departmental policies and regulations
  - c. Poor judgment involving wanton disregard for public safety
  - d. Accidental discharge of a weapon through carelessness or horseplay; and/or
  - e. Misconduct, including drinking alcoholic beverages, unjustified display of authority, disregard of duty, use of official authority for personal advantage, or other clear misconduct which involves a weapon.
2. In addition to organizational corrective action, the Officer may be subject to criminal prosecution for violation of state or federal law.

## ACTION - RESPONSE CONTINUUM

**IMPORTANT** - The list of officer responses is *not* intended to be in any specific order, but reflects on the amount of resistance encountered. The officer will choose the reasonable response to gain control of the situation based on departmental policy, his physical capabilities, perception, training and experience.



**Continuum of Arrest:** Control – Handcuff – Search – Evaluate – Transport

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