

Response to Monitoring Team: Gannon-Kilnapp Incident & the Current State of the System of Accountability

Introduction

On November 21, 2022 the City of Cleveland received the Independent Monitoring Team's Assessment of CDP's Investigation and Adjudication of Cleveland Police Officer Bailey Gannon's Shooting Injury to Cleveland Police Officer Jennifer Kilnapp. This information is being provided in response. It must be noted that the City is currently in active litigation in regard to this matter and therefore certain information and/or responses may be currently privileged and not subject to full disclosure.

On July 20, 2020, members of the Cleveland Division of Police (hereinafter, the "Division", "CDP") were involved in an officer involved critical firearm discharge at 2023 East 81st Street, in Cleveland. That incident resulted in a full Division Force Investigation Team ("FIT") call up and investigation pursuant to policy. Patrol Officer ("P.O.") Bailey Gannon discharged his duty firearm during the incident; and, Patrol Officer Jennifer Kilnapp sustained serious injuries at the time; all while in confrontation with suspect Darryl Borden. Subsequent to the criminal and administrative investigations, the Division administratively reviewed the incident at the June 3, 2021 Force Review Board hearing. That review included the results of the criminal matter against the subject involved, who also discharged a firearm, which was resolved by a plea and sentencing in Cuyahoga County Common Pleas case number CR-20-651870.

Internal Affairs Superintendent Viland's independent assessment of the incident was written to serve the purpose of identifying critical points in the internal investigation with the goal of making recommendations for change in practice so as to show that successful and significant cultural and process changes have occurred since the time of this incident and thus demonstrating integration of police accountability into current operations.

Ultimately, in order for the people of Cleveland to have trust in the Division and its ability to objectively and thoroughly assess issues internally, the Division must ensure that process improvement and systemic accountability are ongoing and continuous, especially regarding critical incidents. Specific process changes have been implemented in the Internal Affairs Unit, independent of this matter.

Regarding the Gannon-Kilnapp incident and the subsequent reports that examined the episode, on January 5, 2023, the Monitoring Team requested "that the City provide evidence that the recommendations and accountability deficiencies have been addressed through CDP's governance structure in its policies, training, and related instruction to its members by February 1, 2022." In response, the City would like to provide the following explanation regarding how the Gannon-Kilnapp incident has led the City to ensure that its system of governance is more closely aligned with elements of accountability, transparency, and accuracy.

The City's current leadership is working to appropriately incorporate and address each of the recommendations made by Superintendent Viland in his report dated September 19, 2022, and the Monitoring Team's findings from the report dated November 21, 2022. When procedures are not

followed, the City works diligently to ensure there is a solid governance structure in place to hold those individuals accountable. It is important to note that the City does not take the position that all accountability deficiencies have been addressed through CDP's governance structure in its policies, training, and related instruction. Nor does the City concede that a strong governance structure in and of itself can prevent human error. The City recognizes that police accountability is a work in progress and an area for special and continuous attention.

CDP does, however, make every effort to ensure that best practices related to detecting, eliminating, and correcting any, accountability deficiencies are being incorporated into CDP policies, training, and implementation procedures. With the progression toward having a solid governance structure in place, human error in CDP is handled through thorough investigations, re-training, mediation, and/or discipline when necessary.

The City looks forward to continuously reviewing, updating, and implementing, when authorized, the recommendations from the MT, DOJ, and best practices to ensure a sustainable and highly effective accountability structure within CDP.

Also of note, the accountability and governance structure that is in place was in part created and implemented with the assistance of the DOJ and the MT and authorized by the Court. CDP respects this input and authorization and also understands that the CDP is not free to change/amend/update/implement any policies or procedures without additional required and official input. The City looks forward to continuing to work with internal and external stakeholders to safeguard an accountability structure that is built on collaboration, transparency, and fairness.

Independent Monitoring Team's Assessment of CDP's Investigation and Adjudication of Cleveland Police Officer Bailey Gannon's Shooting Injury to Cleveland Police Officer Jennifer Kilnapp				
Monitoring Team's Finding	City's Response	Corrective Action Taken/Initiated (Y/N) w/ Comments	Implementation Status of Corrective Action	Additional Comments/Notes
The CDP did not ensure that the incident was accurately, or properly, reported, documented or reviewed.	Agree	Y - This has been acknowledged by the City and measures have been taken with current Internal Affairs members including mentoring and the changing of work aids, checklists (<u>attached</u>) and final reporting templates to increase quality control practices to ensure non-repeat of this incident specific failure point. Superintendent Viland's recommendations and their implementation directly address this as indicated below.	Complete	As stated in Superintendent Viland's assessment, this conclusion is partially true. There was a final Internal Affairs report drafted including conclusions that were made without the full benefit of all relevant evidence.
The CDP failed to appropriately analyze the officer's use of force.	Agree In Part	Y – While the City agrees that an unsupported finding was the result of the use of force investigation including implementing the recommendations made in Superintendent Viland's assessment as indicated below, the Force Review Board did specifically find: (1) that the officer's use of force was not consistent with the core principles of the Division,(2) was not consistent with Division training, (3) required additional de-escalation tactics, (4) did not avoid unnecessary risks to civilians, other officers and emergency personnel and (5) did not consider the officer's surroundings before discharging a firearm. All of these findings are appropriate analyses of the incident.	Complete	The City recognizes the unsupported finding in its initial use of force reporting and has taken measures as indicated in that assessment to increase analysis standards in response to this incident specific failure.

<p>The Force Investigation Team failed to fully investigate the incident and failed to exhibit the type of investigative skills necessary to ensure that an out-of-policy use of deadly force was identified.</p>	<p>Agree In Part</p>	<p>Y – While the City accedes that this investigation was completed prematurely while waiting on a ballistics report it again asserts that the Force Review Board did make out-of-policy determinations as indicated above. Recommendations made in Superintendent Viland’s assessment have been implemented as below.</p>	<p>Complete</p>	<p>The City would submit that this is a restating of the preceding two conclusions and has been acknowledged and responded to.</p>
<p>The Force Review Board failed in its mission to serve as a quality control mechanism and failed to properly appraise this use of deadly force from a tactics, training, policy and agency improvement perspective.</p>	<p>Disagree</p>	<p>N - As stated above, the Force Review Board did make findings regarding the training, tactics and policy involved in this incident; in fact, finding that the involved officer’s tactics and decision making were not acceptable and led to a negative outcome. They further found that re-training had already been recommended and that current policy was sufficient.</p>	<p>N/A</p>	<p>The City would like to note that based on Superintendent Viland’s assessment indicating that the Force Review Board did, in fact, make the following specific findings regarding the use of force in this case:</p> <ul style="list-style-type: none"> A. The Board found that P.O. Gannon’s decision making and tactics negatively impacted the need to use force. B. The Board found that P.O. Gannon’s tactics and decision making were not consistent with the core principles of the Division. C. The Board found that P.O. Gannon’s tactics and decision making were not consistent with Division training. D. Based on the documentation provided, the Board

				<p>disapproved the tactics and decision making of P.O. Gannon as not consistent with Division core principles and training.</p> <p>E. The Board was aware that re-training was a recommendation in the initial investigation.</p> <p>F. The Board identified that additional de-escalation tactics might have been used in the circumstances (i.e. distance, cover, concealment, hearing and listening, strategic communication and voice commands, increasing officer presence, more resources).</p> <p>G. The Board found that P.O. Gannon did not avoid unnecessary risks to civilians, other officers and emergency personnel.</p> <p>H. The Board found that P.O. Gannon did not consider surroundings when un-holstering</p>
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				<p>I. and/or before discharging firearms. “The Board discussed the tactical failures and alternate options prior to the use of force. However, the Board approved the actions during the use of force.” Note was taken of a dissenting vote in the determination.</p> <p>J. The Board determined that the investigation’s conclusions were supported by a preponderance of evidence.</p> <p>K. The Board determined that Division communications protocols were not followed by P.O. Gannon and P.O. Kilnapp.</p> <p>L. The Board re-affirmed retraining for officers involved in this incident.</p> <p>The City would submit that the assessment of the Board approving the actions during the use of force were from the perspective of an</p>
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				officer confronted with an armed suspect pointing a weapon at him and the constitutionality of returning fire in self-defense and defense of others. Internal Affairs investigators have been directed not to use this standard during meetings with the Unit as listed below.
The Force Review Board's findings were not supported by a preponderance of evidence; additional investigation was not requested, even though required and failed to raise concerns regarding clear policy violations.	Disagree	N – The City has presented the multiple findings of the Force Review Board that were supported by the preponderance of evidence. The City maintains that no further investigation was necessary at that time due to the fact that the final piece of evidence was presented to the Board at the meeting. Erroneous findings within the investigative report have been addressed in Superintendent Viland's assessment and resulting recommendations have been implemented as below.	Complete	While the Monitoring Team is correct that the Force Review Board should not have approved of the investigation in its final form because it was incomplete, the requested evidence was, in fact, available and presented during the FRB meeting and was available for Board members to discuss and determine, by the preponderance of evidence, its findings as related above including the several findings where the officer involved acted out of policy and training. No additional investigation was required. The City agrees that the final report and its findings should have been corrected/updated once the ballistics report was received during the investigation.
The Force Review Board failed to adequately address the quality of the underlying investigation and whether the recommendations were supported by a preponderance	Agree	Y - The City would submit that this is a restatement of the prior conclusion and has been addressed above. However, the City does recognize the deficiencies as identified in	Complete	The City would submit that this is simply a restatement of the prior conclusion and has been addressed above.

of the evidence. Deficiencies in the investigation were neither identified or documented.		Superintendent Viland's assessment and worked quickly to implement the recommendations made as indicated below.		
The FIT investigation in this case was not fully, fairly or efficiently conducted; the findings were not supported by the facts and the involved officer was not held accountable by the disciplinary system.	Agree	Y – To the extent that this issue has been previously addressed, the City concurs with the issues identified in Superintendent Viland's assessment and has moved quickly to implement the recommendations made as indicated below.	Complete	The City would submit that the first part of this conclusion is again a restatement of the prior and has been addressed. It must be noted that the involved officer left the Division and was not subject to internal administrative discipline once he had resigned. This is not a failure of the system, investigation, or accountability.

Superintendent Viland – Internal Affairs Review and Analysis of Internal Affairs Investigation #CPD2020-0061

Superintendent Viland's Recommendation	Recommendation Accepted (Y/N)	Recommendation Implemented (Y/N)	Implementation Status of Recommendation	Notes regarding Specific Action(s) Taken: Policies, Training, and Implementation Process(es)
The Division, and specifically the IA Unit, be more assiduous in ensuring the thoroughness and full completion of all aspects of investigations. Additionally, Unit members are to be updated/advised of all appropriate methodologies and documentation required for legitimate time extensions in investigations.	Y	Y	Complete	<p>The IA Unit had historically operated with individual investigators using work aids and tools that were acquired or created independently, resulting in non-standardization of work tasks. Effective August 12, 2022, the IA Unit compiled, created and began using standardized checklists as work aids to assist in assuring that all aspects of investigations are fully reviewed and documented. With the assistance of the Division's current tracking software administrator, the IA Unit has been adding specific tasks so that they auto-populate into the electronic investigative file to assist in preventing missing timelines or information in investigations. (This includes auto-generated due dates for Garrity interviews to meet the requirements in FIT Manual Section VI (B) 2 (c). These are now hard deadlines for all FIT investigations whether they are full or limited FIT call ups.)</p> <p>Additionally, the Internal Affairs Unit formalized specific unit procedures to ensure that time extensions are requested, approved, and documented consistently throughout the Unit on September 12, 2022. This standardized the process and more consistently documents approvals through the chain of command.</p>
Use of force investigations must contain specific analysis for all factors involved in the application of a use of force: Necessity, Proportionality, Objective Reasonableness, and De-	Y	Y	Complete	Members of the IA Unit were provided with additional information, mentoring and coaching regarding required use of force analysis and its application to each separate application of force in use of force investigations at Unit Meetings on July 26, 2022 and September 6, 2022. Discussions utilized the Kilnapp-

escalation. In fact, this should be done not as an overall assessment, but separately for each discrete application of force that occurs during an incident.				<p>Gannon incident as an example and worked through current expectations.</p> <p>Additionally, the IA Unit investigative reporting template was formally changed on July 1, 2022 pursuant to the requirements of the IA Manual Section XI (B) which now identifies and requires responsive entries and analysis by investigators in each of the use of force factors indicated, including for each individual application of a use of force.</p> <p>Finally, with the expected 50% turnover in personnel due to promotions in the near future, this topic will be addressed through future onboarding of new personnel and supplemental unit meeting presentations.</p>
Critical firearms discharge investigations should consistently address the risks to others as cited in the Division's use of force policies.	Y	Y	Complete	Members of the IA Unit were provided with additional information regarding use of force analysis and the necessity of addressing policy identified risks to others during use of force investigations at Unit Meetings on July 26, 2022 and September 6, 2022. Discussions utilized not only the Kilnapp-Gannon incident, but also other recent investigations where officers were held accountable for risk to others during firearms discharge as examples and worked through current expectations.
Accidental firearms discharges that occur during any use of force investigation should consistently be referred for disciplinary action.	Y	Y	Complete	IA Unit members have been notified that accidental firearms discharges should consistently be preferred for formal discipline including aggravating and mitigating factors if the preponderance of evidence supports a finding that Rule 5.13, which states "Officers shall use or handle their firearms only in a safe, proper, and authorized manner." has been violated. As noted in the City of Cleveland's initial response, since 2022 the CDP has investigated and disciplined officers for accidental discharges and discharges that are unsafe or out of policy.
Training assessment and perspective provided by the Training Unit (and/or Ordnance Unit) in an individual case	Y	Y	Complete	The IA Unit, on September 7, 2022, revised and formalized its methods for making formal recommendations with regard to policy, training and equipment as part of investigative findings

should be in writing by the assessor and attached to the investigative case file. Additionally, formal training recommendations made as part of the investigative findings should be documented, routed and tracked by the IA Unit considering that not all Division personnel have access to current tracking software routing.				and ensuring that they are tracked through the Division's internal tracking software. Additionally, the Internal Affairs Superintendent will ensure that all Unit members are aware that assessments provided by non-IA work groups are to be in writing and attached directly to the electronic case file.
Force Review Board meeting documentation should be improved in the following ways: Force Review Board meeting documentation should identify the individual voting board members present as well as others in attendance.	Y	Y	Complete	The Force Review Board checklist was updated on June 13, 2022 and now requires identification individually of each of the voting members present during the meeting. To directly address the recommendations of Superintendent Viland, the FRB checklist has been updated to require identification individually of each of the voting members present during the meeting and the Bureau Compliance maintains a sign-in sheet as part of the records of each meeting. The latest sign in sheet is attached to this memo.
The Force Review Board should consistently make its own independent recommendations and referrals and not rely on any prior known recommendations and referrals for follow up.	Y	Y	Complete	Since the time of this incident, the Force Review Board has been documenting specific referrals and recommendations without relying on possible referrals and recommendations made previously or by other parties; and, this is being tracked consistently through the Division's tracking software. This case was reviewed during one of the first Force Review Board (FRB) meetings. Since that meeting through post meeting debriefings and with the input from both the MT and Department of Justice (DOJ) there have been numerous improvements to the FRB process, which have been evidenced by the attendance of MT and DOJ representatives at subsequent FRB meetings.
Investigators should be instructed to complete supplemental reports more consistently to document specific actions taken, evidence collected, or information reviewed. This is especially important for	Y	Y	Complete	On August 31, 2022 the IA Unit created a procedure which formally requires supplemental reports in both monitoring and investigative cases and which has been disseminated to all Unit members. The process was updated on September 6, 2022 to incorporate supervisory approval of individual supplements prior to incorporation into active case files.

work done on another primary investigator's case.				This recommendation was passed on to the Bureau of Special Investigations command staff at a meeting on September 19, 2022 for their consideration of adoption.
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Conclusion

As noted in Superintendent Viland's report, checks have been put into place regarding supplemental reports received from non-IA entities which require supervisor review and will address this matter going forward. The next two findings address the assessment that the FIT/IA investigation did not appropriately analyze or fully investigate the use of force. The noted changes listed in Superintendent Viland's report that have been implemented will ensure that the finding in the assessment will be avoided in future investigations. Without evidence to the contrary, the City would submit that these process changes are sufficient to prevent the type of single instance human error that occurred during the Kilnapp-Gannon incident.

The MT next assessed that the FRB was deficient in three areas including (paraphrased based on conversations with the MT) failing to serve as a quality control mechanism, not ordering additional investigation and not adequately addressing the quality of the underlying investigation. The noted deficiencies were a part of Superintendent Viland's analysis of this incident. As noted previously in this memo, the FRB has made significant strides to improve the duties required of the FRB by the Consent Decree. In fact the FRB did explicitly find that the use of force in the Kilnapp-Gannon incident was not within the core principals and training of the Division along with several other similar findings. The recommendations of Superintendent Viland have been instituted as a part of the FRB meetings, as well as in person feedback received from members of the MT and DOJ.

Also, of note, CDP provided Use of Force and Search and Seizure scenario-based training in 2022 that contained elements from this type of incident. Session II of in-service training included a scenario with building search and de-escalation training elements. During this training, the role played in this scenario is in the back room of the CDP tactical training house. The officers get information from a family member and proceed through the training house. The role player is in the furthest location from the door, out of the sight of the officers armed with a knife. Below are key elements of the curriculum:

- The role player is instructed to be verbally confrontational until officers utilize proper de-escalation techniques
- If officers fail to use de-escalation techniques, the role player is instructed, "If the officers approach in the room, you begin threatening to stab yourself until they listen to you and yell for them to leave the room now."
- Further, suppose officers remain outside the room and apply de-escalation techniques, such as allowing the role player to speak, using a normal tone, not yelling orders repeatedly, building rapport and trust, explaining options and reasons, and presenting potential resources. In that case, the role player will set the knife on the nearby dresser and begin complying with officers.
- If officers proceed into the room, you will immediately pick the knife back up and become non-compliant, threatening self-harm [again], telling them to leave the room
- The intent is to have the officers direct you away from the knife and out of the room.
- Reinforcement is done after the officers have completed the scenario. Officers are instructed on appropriate de-escalation techniques.

In addition to this training, the Ordinance Unit Staff consistently reinforces the fundamentals of firearms handling and using scenario based training officers learn about reactions in stressful situation.



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: APRIL 27, 2020	CHAPTER: 2 - Legal	PAGE: 1 of 7	NUMBER: 2.01.03
SUBJECT: USE OF FORCE - GENERAL			
CHIEF: <i>Calvin D. Williams, Chief</i>			

Substantive changes are italicized

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: Consistent with the Division's mission, including the commitment to carry out its duties with a reverence for the sanctity of human life, 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 Division 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. **OFFICERS SHALL USE ONLY THE AMOUNT OF FORCE 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.
 - 2. To gain control of a combative subject.
 - 3. To prevent or terminate the commission of a crime.

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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 SHALL 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 SHALL 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).
 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:

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1. The influence of drugs and/or alcohol.
2. Known or reasonably apparent mental illness, developmental disability or crisis incident.
3. Known or reasonably apparent physical disability or other medical or physical condition, including visual or hearing impairment.
4. Limited English proficiency or other language barrier.
5. The time available for an officer to make decisions.
6. The availability of officers/resources to de-escalate the situation.
7. The proximity or access to weapons by the subject.
8. Differences between the following officer and subject characteristics:
 - a. Age
 - b. Gender
 - c. Body size
 - d. Skill level
 - e. Relative strength
 - f. Injury or exhaustion
9. Officer and subject position (e.g., being on the ground).
10. Officer and subject distance.
11. Officer special knowledge or training.
12. The degree to which the subject is already restrained (e.g., 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 GPO 2.01.02 De-escalation).

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- 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:

VI. General

- A. When feasible, officers shall attempt to identify themselves as police officers and make an attempt to advise the subject(s) of their intent to detain, arrest, or search before using force.
- B. When 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 unholstering or before discharging their firearm and shall avoid unnecessary risk to bystanders, victims, and other officers.
- E. With the exception of pointing a firearm at an individual, officers shall notify a supervisor to respond to the scene of any reportable use of force incident. When officers point their firearm at an individual they shall notify a supervisor, and the officers shall complete the proper use of force entry.
- F. Officers shall promptly, accurately, and thoroughly document the reasons for and types of force used.

VII. 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 subject only when an officer would reasonably believe under the circumstances that it is necessary, and when feasible, some warning has been given, and there is probable cause to believe that:
 - 1. The subject 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 subject would pose a continuing imminent threat of serious physical harm, either to the officer or others; OR

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2. The escape of the subject would pose an imminent danger of death or serious physical harm to the officer or to another if the subject is not apprehended without delay.

VIII. 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 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 an individual for fleeing or otherwise resisting arrest, force used to punish an individual for disrespecting officers, and other such circumstances.
3. Use force against a subject who only verbally confronts officers and is not involved in criminal conduct.
4. Use force against a subject who is 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. Unholster and display or unholster 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 only 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 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 effect an arrest.
12. Use neck holds.

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13. Discharge a firearm from or at a moving vehicle, unless the use of deadly force is justified by something other than the threat of 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 the 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.

1. 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.
2. The officer's actions, including all actions preceding the use of deadly force, shall be subject to strict review.

IX. 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

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in their chain of command, document the same in their duty report *and/or Mobile Computer Aided Dispatch (MCAD) entry*, and complete a Form-1 detailing the use of force and surrounding circumstances as soon as safe and practical, before the end of the tour of duty.

X. 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 the subject 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. Discharge of a firearm that strikes a subject.
 2. Impact of subject's head against any hard, fixed object.
 3. With the exception of pointing a firearm at an individual, any reportable 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 2.01.04 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, as soon as practical, but without unnecessary delay, the subject shall be transported to a safe location for treatment.
- E. Officers shall closely monitor subjects who are taken into custody if injured, exhibiting physical distress, complaining of pain, or have been rendered unconscious.

XI. Training - Officers shall be trained and tested at least yearly on the laws and Division policies regarding the use of force.

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.



Title: Reality Based Training Scenario #1

Recommended Time: 1 Hour 30 Minutes

Primary Audience: Patrol Officers, Detectives, Supervisors

Module Goal: Using scenario based training, the student officer will demonstrate appropriate use of force, search and seizure and procedural justice principles.

Required Materials: Tactical training house, simulated (blue) gun

Learning Objectives: At the completion of this module, student officers will be able to:

1. Demonstrate proper de-escalation techniques including distance, cover and time
2. Identify the four pillars of procedural justice
3. Demonstrate appropriate and constitutionally sound search and seizure strategies
4. Identify options if interacting with a juvenile during a domestic violence incident
5. Demonstrate procedural justice techniques while navigating a high stress scenario

Recommended Time Allocation		
	Unit	Recommended Time (minutes)
1	Group assignments and equipment distribution	15
2	Active scenario participation and worksheet	30
3	Scenario Debrief	15
Total		90 minutes

REFERENCES

1. GPO (2.01.01) Use Of Force Definitions
2. GPO (2.01.03) Use of Force General
3. GPO (2.01.05) Use of Force Reporting
4. GPO (2.01.02) De-escalation
5. GPO (1.07.08) Bias Free policing
6. GPO (2.02.02) Search and Seizure
7. GPO (5.05.05) Enforcement of domestic violence statutes
8. GPO (5.12.01) Interactions with youth

COURSE MATERIALS

TEACHING AIDS

<input type="checkbox"/>	Erasable Board/Markers	<input type="checkbox"/>	Easel/Notepads
<input type="checkbox"/>	Lectern/Table		
<input checked="" type="checkbox"/>	Other: Plastic knife, simulated bloody towel, and broken cell phone		
<input checked="" type="checkbox"/>	Student Handouts		

INSTRUCTIONAL TECHNIQUES

<input type="checkbox"/>	Lecture	<input checked="" type="checkbox"/>	Group Discussion
<input type="checkbox"/>	Demonstration	<input checked="" type="checkbox"/>	Scenario-based Training
<input checked="" type="checkbox"/>	Individual Exercise	<input checked="" type="checkbox"/>	Hands-on Techniques
<input checked="" type="checkbox"/>	Problem Solving		

Safety Protocol

Instructor notes:

1. The instructor shall ensure proper signage is posted at the entrance and exit points of the scenario indicating "police training, do not enter"
2. The safety protocol will be a three-tiered check
 - a. Students will ensure they do not have live weapons (check one)
 - b. Students will ensure other students do not have any live weapons (check two)
 - c. The instructor will ensure all students do not have live weapons on them (check three)

Instructor says:

1. All officers are considered safety officers and everyone is responsible for the safety of the scenario. If you see something dangerous, stop the scenario by informing any instructor/safety officer
2. There will be no physical touching of the role players other than what is immediately necessary for the scenario
3. Scenarios end or are stopped by the whistle or the instructor gives the command of "STOP TRAINING"

Set-Up

I. Site description

- A. Tactical training house at the Ordnance Unit
- B. Interior of tactical training house
 - i. Low light level

II. Training Section requirements

- A. All Training Section instructors will don a yellow traffic vest, whistle, and portable radio
 - i. One lead instructor
 - ii. One Safety officer
 - iii. Two dedicated role players
- B. After you give the student officers the radio broadcast, allow the scenario to unfold. Only stop the scenario if there is a safety violation
- C. Instructors will manage the scenario by noting teaching points as the student officer completes the scenario
- D. At the end of the scene, complete the debrief questions. Use the instructor prompts to facilitate the discussion and anchor any discussion with current General Police Orders
- E. After all student officers complete the scenario, instructor facilitates a large group discussion with all members of the scenario

III. Scenario set up

- A. In this scenario, a two-person zone car will receive a third party call, radio assignment to respond to a Domestic Violence incident. The dispatcher stated the caller told them that they heard their parents fighting and hung up. There is no response on a callback, and nothing more is available.

I. Integrated Reality-Based Training

I. Introduction

A. Instructor introduction

1. Conduct safety protocol
2. Ensure you have all student officers present

B. Instructor says:

C. Our goal for this scenario is to increase your comprehension of Bias-Free, Use of Force, and Search and Seizure Policies using scenario-based training

D. This module is intended to give you practice in dealing with a scenario inspired by real-life in which you will need to think about using various techniques and skills to reach a successful outcome

E. We are going to be working in two-officer teams

F. I will be your dispatcher. If you need or want back up, please advise me.

G. You are expected to voice the activation of your body camera prior to any law enforcement action or citizen contact

H. You are expected to complete all aspects of your assessment sheet satisfactorily

I. Failure to successfully complete all areas of your assessment sheet will result in remedial training and repeating the scenario. If this reassessment is unsuccessful, a Training Section supervisor will be notified, who will evaluate and potentially treat it as a CPT failure. Members will have to turn in their firearms and be assigned to the Training Section to undergo remedial training.

J. There is no one-size-fits-all technique. It depends on the nature of what you may be encountering. The nature and immediacy of any situation will help determine what de-escalation tactics an officer may use to address the situation

K. De-escalation requirements apply regardless of whether you think this is a use of force situation or not. The various de-escalation techniques are ways to meet law enforcement

Instructor provide your law enforcement background

Weapons check will be performed before each scenario begins

Wearable camera system general police order 4.06.04

Use of force-general, general police order 2.01.03

<p>objectives in a safe, effective way in all the circumstances where you interact with subjects who do not pose any threat.</p> <p>L. Team approaches to de-escalation are encouraged and should consider officer training and skill level, number of officers, and whether an officer has successfully established rapport with the subject.</p> <p>M. Every interaction with members of the community is an opportunity to build public trust and confidence in the police</p> <p>N. Always utilize the four pillars of procedural justice, which are:</p> <ol style="list-style-type: none"> 1. Treating people with dignity and respect 2. Giving individuals a chance to be heard during interaction 3. Making decisions fairly and transparently, based on facts 4. Conveying goodwill and trustworthiness <p>II. The scenario and role player script</p> <p>A. A 3rd party caller stated their parents were fighting and hung up. There is nothing further.</p> <p>B. Instructions for Role Player #1 The Victim</p> <ol style="list-style-type: none"> 1. You should have a broken cell phone and a bloody towel <ol style="list-style-type: none"> i. You will be located inside the living room or kitchen of the tactical house. You have been assaulted by your significant other and have injuries that will require medical treatment. Point out the bloody towel. Your significant other had threatened to kill you if you contacted the police and smashed your cell phone when you tried to call the police. Your significant other will not let you go to get medical treatment. ii. Advise the responding officers that an 	<p><i>Bias free policing, general police order 1.07.08</i></p> <p><i>Read this to each two-officer team</i></p> <p><i>Instructions for the role players</i></p>
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argument started because you found drugs in a shared book bag. If asked about the type of drugs, say it was a white powder in a baggie. You do not know if he has any weapons.

- iii. Advise the officers your significant other is located inside the back bedroom
- iv. Tell the officers you will bring them to the back bedroom. Officers should tell you to wait here or go outside for safety

C. Instructions for Role Player #2

1. There should be music playing in the background. You should be the furthest point away from the door with an object (bed, chair, etc.) between you and the police

- i. Located inside the back bedroom of the tac house with the door open
- ii. You should be facing toward the door
- iii. You will have a simulated red knife in your hand. This will be immediately apparent to responding officers
- iv. You will be verbally confrontational but not aggressive towards the officers
- v. If the officers approach in the room, you begin threatening to stab yourself until they listen to you and yell for them to leave the room now. Stress that you just want to talk.
- vi. If they continue to proceed into the room, you will begin stabbing yourself and fall as if lifeless
- vii. You will challenge the officers on why they are getting involved in a personal dispute. You did not call them, and you do not need them to help.
 - i. Officers should explain the

Watch for this to occur and ensure to reinforce de-escalation strategies to employ in debrief

<p>reasoning for their presence (dispatched to the address, there to help, etc.)</p> <p>ii. If not, solicit the officers again, why they are getting involved when you did not call them – move to the next prompt</p> <p>ii. You will challenge the officers on why they are taking the word of the Victim and not them. You are tired of not being heard or listened to. Last time the officers never even took your side of the story.</p> <p>i. If officers allow you the opportunity to explain, tell them that you were upset and never meant to hurt the Victim. You have anger issues and are trying to be better. See viii for prompt.</p> <p>ii. If officers do not allow you to speak or neglect your concerns, you will become increasingly irritated and confrontational. Reiterate that you are tired of being ignored and will not go back to jail.</p> <p>iii. Give one more chance to establish rapport and provide you with reasonings for their decision to arrest/detain.</p> <p>iv. If officers only yell commands, refuse to allow you to speak, or fail to maintain a safe distance, begin to stab yourself and fall lifeless.</p> <p>viii. If officers remain outside of the room and apply de-escalation techniques, such as allowing you to speak, using a normal tone, not yelling orders repeatedly, building rapport and trust, explaining options and</p>	<p><i>Reinforce success in addressing this statement or failure to provide it during debrief</i></p> <p><i>Watch for this to occur and ensure to reinforce de-escalation strategies to employ in debrief</i></p>
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<p>reasons, and presenting potential resources, you will set the knife on the nearby dresser and begin complying with officers</p> <p>ix. If officers proceed into the room, following you placing the knife down, you will immediately pick the knife back up and become non-compliant, threatening self-harm again, telling them to leave the room</p> <p>x. The intent is to have the officers direct you away from the knife and out of the room</p> <p>xi. If ordered to move away from the knife and towards officers, you will be compliant and follow their directions</p> <p>xii. Once secured by officers, you refuse to answer any questions invoking your 5th Amendment right. Additionally, you will not consent to a search of any belongings if asked. However, you will not resist or fail to comply with directions</p> <div data-bbox="215 1129 1109 1409" style="border: 1px solid black; padding: 10px; margin-top: 20px;"> <p>Instructor notes</p> <ul style="list-style-type: none"> ➤ The scenario will end with the arrest or deployment of intermediate weapon/self-harm of the suspect ➤ All handcuffing should be simulated </div> <p>III. Debrief: Scenario Specific Questions</p> <p>A. Review key points that student officers did well during the scenario</p> <p>B. These questions will be asked to every team of student officers when the scenario is complete. Use the instructor prompts to facilitate discussion and anchor with the appropriate policy. Ensure to anchor learning objectives and key training points observed during the scenario</p> <p>C. Solicit student feedback, ask the officers what they believe</p>	<p><i>Read each question to every two officer team. Facilitate the discussion and use the prompts to increase comprehension of the general police orders</i></p>
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<p>they did well and what opportunities they have to improve on</p> <p>D. What was your legal basis for the contact with the suspect?</p> <ol style="list-style-type: none"> 1. The officers responded to a call for service unknown situation. They were provided information from a victim that they were assaulted and their phone was broken. This led them to believe a domestic violence incident took place and led them to the suspect, who was located in the back bedroom 2. The suspect in the back bedroom matched the description of the suspect male. The suspect was seized based on probable cause that they committed a crime 3. The suspect had a knife on his person. Level 1 pistol point may have been used (pistol point) <p>E. What was your threat assessment of the suspect?</p> <ol style="list-style-type: none"> 1. The suspect was agitated and yelling but was overall cooperative. The location of the suspect in the room caused some concern, unknown area 2. The suspect had a knife under his/her control <p>F. How did you use procedural justice to slow down the pace of the incident?</p> <ol style="list-style-type: none"> 1. Answers will vary; anchor with the below information <ol style="list-style-type: none"> i. Four central principles of procedural justice are designed to build public confidence in the police by <ol style="list-style-type: none"> i. Treating people with dignity and respect; this means slowing down the pace of the incident and using active listening skills to gain voluntary compliance ii. Giving individuals a chance to be heard during encounters; when receiving information from any subject, allow them to voice any 	<p><i>Search and seizure general police order 2.02.02</i></p> <p><i>Bias-free policing general police order 1.07.08</i></p>
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<p>issues or concerns that they have. Remain professional and explain the situation</p> <p>iii. Making decisions fairly and transparently, based on facts; when explaining the law enforcement decision, use as much information that you can to explain why you made that decision</p> <p>iv. Conveying goodwill and trustworthiness; remember every interaction with the Cleveland community is an opportunity to convey police legitimacy. Make all decisions related to law enforcement activities based upon observed behavior, reasonable suspicion, and/or probable cause</p> <p>G. What decisions or tactics did you employ to slow down the pace of the incident? Were your tactics effective, and how could you have improved them</p> <p>1. Responses will vary, anchor with the below information</p> <p>i. Consider other de-escalation techniques, including the proactive use of distance, cover, concealment, and time</p> <p>ii. Asking questions instead of giving orders after any immediate threats are addressed</p> <p>iii. Paraphrasing what the subject is saying to you</p> <p>iv. Verbalize to the subject in a calm demeanor and normal tone of voice, all of the options available to them</p> <p>v. De-escalation requirements apply regardless of whether you think this is a use of force situation or not.</p>	<p><i>Use of force-general, general police order 2.01.01</i></p>
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<p>The various de-escalation techniques are ways to meet law enforcement objectives in a safe, effective way in all of the circumstances where you interact with subjects who do not pose any threat</p> <p>H. If you did not contact backup or a supervisor, what led you to that decision?</p> <p>1. Responses will vary, anchor with the below information</p> <p>i. Increasing officer presence may have a positive impact on the situation. However, understand that some individuals, especially those in mental health crises, may not react positively to increased officer presence. It may be more prudent to have officers remain out of view but nearby and not interact directly with the individual, should their presence be noticed and escalate the individual. Additionally, if the suspect is experiencing a behavioral health crisis, contact a CIT officer and/or use the mobile crisis team as a resource</p> <p>ii. A strategy may include, if available, contacting an officer from the same gender/gender identity as the individual that you are interacting with</p> <p>I. Did you search the bookbag of the subject? Why or why not? Did you request consent to search the book bag?</p> <p>1. Answers may vary; anchor with the below information</p> <p>i. The teaching point is that officers may search the book bag if consent is given by a party with authority over that item.</p>	<p><i>Search and seizure general police order 2.02.02</i></p>
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<ul style="list-style-type: none"> ii. When there are conflicting parties granting consent and refusing consent, officers should investigate which parties have authority over the item. iii. If determined both parties have shared authority and disagree on consent, the best course of action by officers is to obtain a search warrant for the item. iv. The plain view doctrine would not apply in this situation. This allows the police to discover contraband or evidence only after making a lawful intrusion in a constitutionally protected area, such as a vehicle, home, or habitation. The evidence or contraband must be immediately recognizable as such and be in plain view v. If consent was requested, remember to advise the subject of his or her right to refuse and to revoke consent at any time. vi. A person's consent to search shall be documented using their Wearable Camera System (WCS). Officers electing to search by consent may also have the consenting person sign the Consent to Search Form vii. Officers shall not physically or mentally coerce, threaten or exploit an individual in order to gain consent for a search viii. You cannot threaten to get a warrant or contact the Department of Children and Family Services (DCFS) in an attempt to get a warrant when no probable cause exists to obtain such warrant <p>J. The caller was a 3rd party, and the Victim noted that he/she has a child with the suspect. Did you inquire about the witness/caller?</p> <p>1. If you did not inquire, the witness/caller is the couple's 10-year-old daughter. After the suspect is in custody and when safe and feasible, how would you handle gaining cooperation from the</p>	<p><i>Interactions with youth general police order 5.12.01</i></p>
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<p>witness/caller?</p> <ul style="list-style-type: none"> i. Take special care to conduct the interview in a manner as to ensure voluntary, non-coercive, and non-traumatic results <p>K. How would you reduce the witness/caller's exposure to trauma?</p> <ul style="list-style-type: none"> 1. To reduce a youth's exposure to trauma, where the arrested parent is calm and compliant, officers shall consider the following: <ul style="list-style-type: none"> i. Avoid handcuffing or arresting the parent in the presence of the youth. ii. Allowing arrested parents to comfort their children, explaining what will happen next, and describing how the child will be cared for in his/her absence. iii. Inquiring whether other children may return later to the home and arrange for their care in the parent's absence. iv. Where possible, officers shall provide referrals to family and youth services to address the trauma of the experience and help mitigate its effects <p>L. What level of force was used, and what are your reporting requirements</p> <ul style="list-style-type: none"> 1. A pistol point is a level one use of force and requires the notification of a supervisor 2. An intermediate weapon is a Level 2 use of force and requires notification of a supervisor, duty to provide medical care, and duty to intervene. 3. A blue team and any witness statements must be completed and forwarded to your immediate supervisor prior to reporting off duty 4. Officers shall be subject to the disciplinary process, up to and including termination, for omissions or misrepresentations in their use of force reports 	<p><i>Use of force-reporting, general police order 2.01.02</i></p>
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<p>5. Officers who use or observe force and fail to report it shall be subject to the disciplinary process, up to and including termination</p> <p>M. In this scenario, if you witnessed an officer using suspected unreasonable force, what would be your response?</p> <ol style="list-style-type: none"> 1. 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 2. Physically intervening to stop the objectively unreasonable force, taking protective custody, and ensuring medical care is provided are all considerations to be made 3. You are required to report the unreasonable force to the next non-involved supervisor in their chain of command, document it in your duty report, and complete a form-1 detailing the use of force <p>N. In this scenario, how did you determine the primary physical aggressor in this domestic violence incident? What would you do if you could not determine the primary physical aggressor?</p> <ol style="list-style-type: none"> 1. Response will vary but should include statements from the Victim and suspect, physical evidence of a smashed cell phone and anchor with the policy 2. Are you aware of any history of domestic violence with these parties? 3. Whether the violence was caused by a person acting in self-defense 4. Each person's fear of physical harm 5. The comparative severity of injuries 6. If both parties are present and the primary physical aggressor cannot be identified, members shall request a supervisor 7. Arresting both persons involved shall be the last resort 	<p><i>Use of force-reporting, general police order 2.01.02</i></p> <p><i>Enforcement of domestic violence statutes, general police order 5.05.05</i></p>
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<p>8. If the juvenile is the suspect, consider the coordinated approach to low-risk misdemeanors</p> <p>O. Is there anything else that you would have done differently?</p> <ol style="list-style-type: none">1. Responses will vary but will include having the Victim complete and sign the misdemeanor complaints statement, collect evidence, complete a danger assessment for law enforcement (DA-LE) for domestic violence involving intimate partners2. If the officers did not advise EMS, ensure that you advised the Victim needed EMS3. Contact a supervisor for photographs of the Victim4. Provide resources and advocate service information to the Victim.5. Assist to another safe location is warranted <div style="border: 1px solid black; padding: 10px; margin-top: 20px;"><p>Dismiss the officers from the scenario. Advise the officers to go to the secondary staging area and complete the required worksheet. After all two officer teams complete the scenario, facilitate a large group discussion with all participants.</p></div>	<p><i>Worksheet #1</i></p>
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Worksheet #1

Report Writing

Articulation is the means of describing your actions in a clear and concise manner. The reader must understand what occurred on the scene. You should be articulating everything that occurred, what you felt, the actions of other parties, your interventions and those outcomes. When articulating in your reports every action that you take must be supported by facts and evidence, further you need to prove the elements of every charged offense.

Read the following questions, articulate your response below the question. The instructor will go over all the questions during the large group discussion once all members complete their scenario.

1. What was the legal basis for the contact?

2. What led you to the suspect?

3. Describe any reasonable suspicion that you had to detain the suspect

4. Describe any probable cause that you had to arrest the suspect

5. What are your reporting requirements and follow up?

Worksheet #1-Instructor Key

Report Writing

Articulation is the means of describing your actions in a clear and concise manner. The reader must understand what occurred on the scene. You should be articulating everything that occurred, what you felt, the actions of other parties, your interventions and those outcomes. When articulating in your reports every action that you take must be supported by facts and evidence, further you need to prove the elements of every charged offense.

Read the following questions, articulate your response below the question. The instructor will go over all the questions during the large group discussion once all members complete their scenario.

1. What was the legal basis for the contact?

On date, time, location, I (zone car) was dispatched to a domestic violence incident. When I arrived I was let inside the house by the Victim.

2. What led you to the suspect?

The Victim reported she was assaulted by his/her significant other. The Victim was visibly shaken and Had a smashed cell phone and a bloody towel. The Victim described the suspect and his/her location.

3. Describe any reasonable suspicion that you had to detain the suspect

The suspect was located in the bedroom that the Victim told us he would be.

4. Describe any probable cause that you had to arrest the suspect

The Victim completed a misdemeanor complaint statement stating that his/her live in significant Other threatened to kill her and smashed her cell phone. The Victim had a bloody towel, was assaulted, and was crying. The Victim also had a cell phone that appeared to be recently damaged.

5. What are your reporting requirements and follow up?

During this incident, a level one use of force was used. The suspect had a knife in his hand. Due to the location of the knife to the suspect and immediacy of the threat, I pointed my division issued firearm at the suspect. When the suspect complied, I immediately stopped the pistol point and secured the suspect. A blue team entry was completed and forwarded to my immediate supervisor.

Name: _____

Badge: _____

Assessment Questions		Yes	No	Remediated
Prior to arrival inside the house				
1	Did Officers request additional information?			
Arrival and encounter of Victim		Yes	No	Remediated
2	Did officers activate body cameras? (4.06.04)			
3	Did officers identify themselves by names? (1.07.08)			
4	Did officers provide badge number? (1.07.08)			
5	Did officers advise that the body cam is recording? (4.06.04)			
6	Did officers tell the Victim why they were there? (1.07.08)			
7	Did officer ask if Victim needs medical attention? (5.05.01)			
8	Did officers ask if there were any weapons in the house?			
9	Did officers ask if there was anyone else in the house?			
Encounter of the suspect		Yes	No	Remediated
10	Did officers provide an introduction to the suspect (1.07.08)			
11	Did officers make attempts to de-escalate subject (2.01.02)			
12	* Tone of Voice			
13	* Slow the situation down			
14	* Use distance and shielding			
15	Did officers search the dresser for narcotics?			
Arrest		Yes	No	Remediated
16	Did officer(s) search the subject? (2.02.02)			
17	* What type of search(s) took place (search incident to arrest)			
18	Did officer(s) asks subject if they needed medical attention			
19	Did officers accurately and completely articulate the reasonable suspicion and probable cause in the report?			

Assessment Sheet



Cleveland Division of Police

Force Review Board ~~Training~~

	Student Name	Assignment	SIGNATURE/BADGE #	DATE
1.	ROBERT SIMON	BOC	[Signature] #6586	2/9/23
2.	Johnny Herman	DZ	[Signature] 6580	2/9/23
3.	Melanie Cook	BOC	[Signature]	2/9/23
4.	Christine Lee	MT	[Signature]	2/9/23
5.	Ayesha Hardaway	MT	[Signature]	2/9/23
6.	Jonathan Ludwick	OPS	[Signature]	2/9/23
7.	Justin Cuyka	TAU	[Signature]	2/9/23
8.	SARA DeCARO	DOJ	[Signature]	2/9/23
9.	Hyun Jang	DA	[Signature]	05/09/23
10.	Say Youngloss	DA	[Signature]	2/9/23
11.	Rania Issa	Date	[Signature]	2/9/23
12.	Sammy Morris	Field ops	[Signature]	2/9/23
13.	Steve King	Gym	[Signature] 9251	2/9/23
14.	Jason Feline	DCJ	[Signature]	2/9/23
15.	[Signature]	LAW	[Signature]	2/9/23
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CDP Internal Affairs Mandatory Unit Meeting

March 8, 2023

1. Individual Training Opportunities / Travel Training Requests
2. Review Standardized Checklists for IA Invests and FIT Invests; focus on complete/thorough invests. (Checklist copies distributed)
3. Review Processes for Time Extension requests and required info.
4. Discuss UOF analysis / Reinforce that individual analysis needs to be completed for each separate use/application of force (Discuss Kilnapp-Gannon incident as example)
5. Discuss UOF analysis re risk to others (Distribute GPO 2.01.03 VI sections applicable)
6. Discuss positive disciplinary action for accidental discharges (GPO 2.01.03 VI and Rule 5.13)
7. Discuss processes regarding formal recommendations (distribute forms)

Attendance

Viland –

Cajka –

Sheehan –

Schwebs –

Matson –

Eggelmeyer –

Lopez –

Lowther –

Simonelli –



Cleveland Division of Police

Internal Affairs

FINAL REPORT

Investigator: Sgt. XXXXXX XXXXXXXXXXXXXXX #9xxx

Case Number: CPD202X-xxxx

FIT Number: 2X-XX

This final investigative report makes reference to evidence, statements, audio and video, reports, data links, and other affiliated documents obtained as part of the investigation. All of these items can be found in their entirety in the electronic case file maintained in the Division's internal investigative software (currently IAPro). Any summarization, or partial reference is not intended as a substitute for the actual item and should only be considered in their totality. Summarization and reference are intended only to assist in expedient presentation of facts as determined during the course of the investigation.

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Case Summary

Case Suspensions

Investigative Extensions and Approvals

Allegations

At the Time of Initial complaint

Discovered During the Course of the Investigation

Applicable Policies

Involved Member(s)

Restricted Duty/Leave y/n _____ Criminal Offense _____
F/M? ____ Date of RD/Leave ____/____/____ Date Case Adjudicated ____/____/____

Witness Member(s)

Involved Citizen(s)

Witness Citizen(s)

Outside Agency Investigation

LEADS DENY y/n _____ Reason _____
Date of DENY status ____/____/____ Date Case Adjudicated ____/____/____

Area Canvass

Witness Interviews

Video Evidence (including WCS)

Other Evidence

Photographic Evidence

Injury Documentation

Crime Scene Sketch/Map

Voluntary Statement

Criminal Review

Court Proceedings and results

Garrity Interviews

Additional Investigative Supplements

Findings

Assessment of policy, training, tactics or equipment concerns

Related CDP Documents

Assessment of whether other Division members appropriately reported

If weapon involved, documentation of Member's current training and certifications with firearm or secondary weapons

Use of Force

Necessity

Proportionality

Objectively Reasonability

De-escalation Considerations

Use of Force Finding

News Media and Media Coverage

Specifications with specific evidentiary support



Cleveland Division of Police

Internal Affairs

FINAL REPORT

Investigator: Sgt. XXXXXX XXXXXXXXXXXXXXX #9xxx

Case Number: CPD202X-xxxx

FIT Number: 2X-XX

This final investigative report makes reference to evidence, statements, audio and video, reports, data links, and other affiliated documents obtained as part of the investigation. All of these items can be found in their entirety in the electronic case file maintained in the Division's internal investigative software (currently IAPro). Any summarization, or partial reference is not intended as a substitute for the actual item and should only be considered in their totality. Summarization and reference are intended only to assist in expedient presentation of facts as determined during the course of the investigation.

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Objectively Reasonability	6
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Case Summary

Case Suspensions

Investigative Extensions and Approvals

Allegations

At the Time of Initial complaint

Discovered During the Course of the Investigation

Applicable Policies

Involved Member(s)

Restricted Duty/Leave y/n _____ Criminal Offense _____
F/M? ____ Date of RD/Leave ____/____/____ Date Case Adjudicated ____/____/____

Witness Member(s)

Involved Citizen(s)

Witness Citizen(s)

Outside Agency Investigation

LEADS DENY y/n _____ Reason _____
Date of DENY status ____/____/____ Date Case Adjudicated ____/____/____

Area Canvass

Witness Interviews

Video Evidence (including WCS)

Other Evidence

Photographic Evidence

Injury Documentation

Crime Scene Sketch/Map

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Use of Force

Necessity

Proportionality

Objectively Reasonability

De-escalation Considerations

Use of Force Finding

News Media and Media Coverage

Specifications with specific evidentiary support



Cleveland Division of Police
FIT DEPLOYMENT

LERMS #	CPD #:	Assigned To:
Officer(s):	Location:	Date:

	IA Member	Completed	N/A
INTEGRITY PROTOCOLS			
Public Safety Statement		<input type="checkbox"/>	<input type="checkbox"/>
Confirm no video review by Involved or Witness Member(s)		<input type="checkbox"/>	<input type="checkbox"/>
RESPONSIBILITIES			
Secure scene / Crime Scene Log		<input type="checkbox"/>	<input type="checkbox"/>
Involved Member(s) and Witnesses segregated		<input type="checkbox"/>	<input type="checkbox"/>
Evidence Collection		<input type="checkbox"/>	<input type="checkbox"/>
Scene Sketch / FARO Scan		<input type="checkbox"/>	<input type="checkbox"/>
Subject examined for injury /complaints of pain /medical care		<input type="checkbox"/>	<input type="checkbox"/>
Subject Photos		<input type="checkbox"/>	<input type="checkbox"/>
Subject Interviewed		<input type="checkbox"/>	<input type="checkbox"/>
Subject Medical Release		<input type="checkbox"/>	<input type="checkbox"/>
Canvass for Civilian Witnesses		<input type="checkbox"/>	<input type="checkbox"/>
Civilian Witness Interviews Recorded		<input type="checkbox"/>	<input type="checkbox"/>
Canvass for Video (City & Privately-owned)		<input type="checkbox"/>	<input type="checkbox"/>
Involved Member(s) Preliminary Interview(s) / 17 Questions		<input type="checkbox"/>	<input type="checkbox"/>
Involved Member(s) Photos		<input type="checkbox"/>	<input type="checkbox"/>
Involved Member(s) Drug and Alcohol Screen		<input type="checkbox"/>	<input type="checkbox"/>
Injured Member(s) photos		<input type="checkbox"/>	<input type="checkbox"/>
Member Witness Interview(s)		<input type="checkbox"/>	<input type="checkbox"/>
Walkthrough		<input type="checkbox"/>	<input type="checkbox"/>
Member Witness Narrative Statement(s)		<input type="checkbox"/>	<input type="checkbox"/>
Firearm Secured / Round Count		<input type="checkbox"/>	<input type="checkbox"/>
Taser Downloaded		<input type="checkbox"/>	<input type="checkbox"/>
Taser Cartridge Collected		<input type="checkbox"/>	<input type="checkbox"/>
WCS Secured and Downloaded		<input type="checkbox"/>	<input type="checkbox"/>
Medical Examiner notified		<input type="checkbox"/>	<input type="checkbox"/>
EAU Notified		<input type="checkbox"/>	<input type="checkbox"/>
Blue Team entry		<input type="checkbox"/>	<input type="checkbox"/>
LERMS Reports assigned / CAD verified		<input type="checkbox"/>	<input type="checkbox"/>
Copy of medical paperwork and/or release		<input type="checkbox"/>	<input type="checkbox"/>
City Citizen Crisis Response Team (on scene? / checked in?)		<input type="checkbox"/>	<input type="checkbox"/>

Revised 01/30/23



Cleveland Division of Police Investigation Checklist

CPD#: _____ LERMS#: _____ FIT #: _____

Member(s): _____ Location: _____ Open Date: _____

	Assigned/Complete	N/A
FIT INVESTIGATIONS(ADMIN)		
OIC FIT Synopsis		<input type="checkbox"/>
24 Hrs - Preliminary Report to Chief		<input type="checkbox"/>
72 Hrs - Garrity Interview(s)		<input type="checkbox"/>
10 Days - Thorough Review		<input type="checkbox"/>
14 Days - FIT Debrief		<input type="checkbox"/>
60 Days - Complete Administrative investigation		<input type="checkbox"/>
7 Days from submission - Complete OIC Review		<input type="checkbox"/>
3 Days from submission - Complete Superintendent Review		<input type="checkbox"/>
CASE REVIEW		
Prosecutor Review		<input type="checkbox"/>
Policy, Training, Equipment Assessments		<input type="checkbox"/>
Extension Requests and Approvals		<input type="checkbox"/>
Suspended Status		<input type="checkbox"/>
IAPro Complete		<input type="checkbox"/>
Review Table of Contents		<input type="checkbox"/>
INVOLVED MEMBER(S)		
Voluntary Interview		<input type="checkbox"/>
Preliminary 17 Questions		<input type="checkbox"/>
Garrity Interview(s)		<input type="checkbox"/>
History/CCH/Discipline		<input type="checkbox"/>
Weapons Certification Records		<input type="checkbox"/>
Backstop considerations		<input type="checkbox"/>
Non-leading questioning		<input type="checkbox"/>
WITNESS MEMBER(S)		
Interview(s)		<input type="checkbox"/>
Relevant information obtained		<input type="checkbox"/>
INVOLVED CITIZEN(S) / SUBJECT(S)		
Interview(s)		<input type="checkbox"/>
CCH/OHLEG/Background		<input type="checkbox"/>
Social Media Search		<input type="checkbox"/>
WITNESS CITIZEN(S)		
Interview(s)		<input type="checkbox"/>
Relevant information obtained		<input type="checkbox"/>
CANVASS		
Videos		<input type="checkbox"/>
Witnesses		<input type="checkbox"/>
Timeliness		<input type="checkbox"/>
EVIDENCE		
Photographs (Scene, Parties, Injuries)		<input type="checkbox"/>
Physical evidence		<input type="checkbox"/>
Medical Releases (Records)		<input type="checkbox"/>
Evidence recovery process		<input type="checkbox"/>
LERMS/CCS/AVL		<input type="checkbox"/>
Search Warrants, Subpoenas, Court Orders		<input type="checkbox"/>

Revised 01/30/23



Cleveland Division of Police

Internal Affairs

Investigative Report










Case#:	Investigator:	Date:
Subject:		

Signature

Save | Print | BT Rpt | BlueTeam | QA | Flag | Timescales | Properties

Links | Summary | Status + Assign | **Tasks** | Routings | When + where | Statistical | User Logs

Tasks...

Created	Type	Due date	Completed date	Assigned to
 2023-02-17	Contact Complainant	2023-02-20	2023-02-17	Sergeant Michael Matson
 2023-02-17	Administrative Review	2023-07-17		Sergeant Michael Matson
 2023-02-17	Canvass Area for Surveillance	2023-02-24		Sergeant Michael Matson
 2023-02-17	Prosecutor Review	2023-06-17		Sergeant Michael Matson
 2023-02-17	Synopsis	2023-02-19	2023-02-17	Lieutenant Justin Cajka
 2023-02-17	FIT Garrity Interview	2023-02-20	2023-02-17	Sergeant Michael Matson
 2023-02-17	Admin Garrity interview	2023-06-24		Sergeant Michael Matson
 2023-02-17	LEADS & OHLEG Notifications	2023-03-19		Sergeant Michael Matson
 2023-02-21	Running sheet entry		2023-02-21	Un-assigned

Add new task



Print all tasks



Add new running sheet entry



Print running sheet

Assign





Internal Affairs Recommendations Sheet

IAU Case Number

IAU Investigator: Choose an item.

Recommendation: **Equipment**

Details of Recommendation:



Cleveland Division of Police

Internal Affairs

Investigative Report

Case#: CPD2023-000	Investigator:	Date:
Subject:		