

Serving The Land



Department of Public Safety

Division of Police



CITY OF CLEVELAND
Mayor Justin M. Bibb
PUBLIC SAFETY



Objectives

1. Definitions of the Levels of Force
What do the Levels of Force mean?
2. Determining the Level of Force
3. Review of a Use of Force
4. Use of Force supervisor investigation



Definitions of the Levels of Force

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

Level 1 - Force that is **reasonably likely to cause only transient pain and/or disorientation during its application** as a means of gaining compliance, including pressure point compliance and joint manipulation techniques, **but that is not reasonably expected to cause injury, does not result in an actual injury and does not result in a complaint of injury.** It does not include escorting, touching, or handcuffing a subject with no or minimal resistance. Un-holstering a firearm and pointing it at a subject is reportable as a Level 1 use of force.



Definitions of the Levels of Force (continued)

Level 2 - Force that causes an injury, could reasonably be expected to cause an injury, or results in a complaint of an injury, but does not rise to the level of a Level 3 use of force. Level 2 includes the use of a CEW, including where a CEW is fired at a subject but misses; OC Spray application; weaponless defense techniques (e.g., elbow or closed-fist strikes, kicks, leg sweeps, and takedowns); use of an impact weapon or beanbag shotgun, except for a strike to the head, neck or face **with an impact weapon or beanbag shotgun; and any canine apprehension that involves contact.**

Level 3 - Force that includes uses of deadly force; uses of force resulting in death or serious physical harm; uses of force resulting in hospital confinement due to a use of force injury; all neck holds; **uses of force resulting in a loss of consciousness; canine bite; more than three applications of a CEW on an individual during a single interaction, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers; a CEW application for longer than 15 seconds, whether continuous or consecutive; **and any Level 2 use of force against a handcuffed subject.****



Determining the Level of Force Used

How does a supervisor determine the appropriate level of force? (G.P.O. 2.01.06 – Supervisor Reviews and Investigations)

- ☐ Subject interview
- ☐ Witness interviews
- ☐ Officer reporting/ Officer interviews
- ☐ **May** view officers WCS on scene (Level 1 or Level 2)
- ☐ Refer to the Policy definitions
- ☐ May confer with a higher ranking officer/ Internal Affairs Superintendent



Use of Force Investigation – Officer WCS Review

Level 1 – Policy does not require a review of WCS video by the investigating supervisor

❖ **The Division is currently considering additional steps in the WCS video review process**

Level 2 – Review of WCS video by the investigating supervisor is required by policy

Level 3 – Review of WCS video will be completed by the assigned IA Sgt.

Level 1 – Officers can view WCS when completing their incident report

Level 2 – Officers can view WCS when completing their incident report

Level 3 – Officers can only view their WCS if permission is given by a FIT Officer in Charge





Review of a Use of Force

In November 2023, at approximately 1730 hours (5:30 pm) Patrol Officers responded to a domestic dispute. While enroute they discovered that the male subject had possible warrants. When they arrived on scene, they learned that there was not a physical altercation between the male and his wife. Officers attempted to detain the male to check on his warrant. The male subject heard officers mention detaining him and fled on foot across the street. When an Officer caught the subject male, a struggle to handcuff the subject male began and closed fist punches were exchanged. At least one of these strikes was a closed fist strike to subject male's face. The officers called for a supervisor and also EMS in connection with the use of force. Subject male was treated and released from the hospital with no injuries reported before being booked.

https://clevelandohpd.evidence.com/axon/evidence?evidence_id=14dbcf27317540e49732597f2909baf8&partner_id=8e6e4a54d95efe40691eadf97c5aa0a9



Level 2 - Force that causes an injury, could reasonably be expected to cause an injury, or results in a complaint of an injury, but does not rise to the level of a Level 3 use of force. Level 2 includes the use of a CEW, including where a CEW is fired at a subject but misses; OC Spray application; weaponless defense techniques (e.g., elbow or closed-fist strikes, kicks, leg sweeps, and takedowns); use of an impact weapon or beanbag shotgun, except for a strike to the head, neck or face **with an impact weapon or beanbag shotgun; and any canine apprehension that involves contact.**

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Other Use of Force/Closed Fist - Head Strike Examples –

- 2020 case involving officers arresting a subject male on a felony warrant. The male becomes aggressively resistant and is taken to the ground (Level 2 force) to better control the male. As officers struggle to handcuff the subject male, the male bites an officer on the thigh, hard enough to cause injury to the officer, to get the subject male to release his bite, the officer strikes the subject male in the head with his fist several times. Subject male treated at the hospital for an abrasion, officer was treated for a bite wound. Due to an abundance of caution, this was investigated as a Level 3.
- 2024 case in which officers arrive on a Domestic Violence assignment. As they approach the door and speak with a child a woman is heard screaming. As officers enter the apartment they observe subject male strangling a female and immediately move to separate the male from the female while giving commands. As the officer approached, the subject male lets go of the female and throws a punch at the officers head. The officer ducks and delivers a closed fist strike that connects with the subject males head. A brief struggle occurs and officers are able to handcuff the subject male. Subject male was treated and released from the hospital for a small cut on his face. This was investigated as a Level 2.
- 2024 case involves officers responding to a place entered, which evolves into a foot pursuit of an armed subject male. During the struggle to handcuff male, he bites an officer and the officer delivers one closed fist strike to the subject male's face, resulting in a broken nose. Case is open and still being investigated as a Level 3.



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QUESTIONS?



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