

**THIRD AMENDMENT
POLICE AUTHORIZING AGREEMENT NO. 66350
BETWEEN
THE CITY OF CLEVELAND AND CUYAHOGA COMMUNITY COLLEGE**

THIS THIRD AMENDMENT TO AGREEMENT NO. 66350 ("Third Amendment") is entered into this 1st day of December, 2018, ("Effective Date"), by and between the City of Cleveland ("City"), and Cuyahoga Community College ("CCC"), pursuant to the requisite authority and through their authorized representatives.

WHEREAS, the parties entered into Agreement No. 66350, on November 20, 2006, a First Amendment on June 18, 2009, and a Second Amendment on September 9, 2011, pursuant to O.R.C. §3345.04, §3345.041, and City Ordinance No. 1663-05, ("the Agreement"), to permit CCC police officers to engage in duties as police officers for the CCC in the City of Cleveland and to provide for CCC police to exercise certain police powers adjacent to CCC properties within City boundaries.

WHEREAS, the City no longer operates jail facilities necessitating changes to provisions of Agreement No. 66350, and other provisions are necessary to confirm areas of police jurisdiction, and address officer and dispatcher training, agency policies, and complaint handling.

WHEREAS, for the public purpose of promoting the public good in the City of Cleveland and to further the goals of constitutional and effective policing, the parties agree to enter into a Third Amendment as set forth below.

THEREFORE, the parties agree as follows:

ARTICLE I. SCOPE OF THIRD AMENDMENT

This Third Amendment does not modify or change in any manner any term or condition not expressly addressed by this Third Amendment. All terms and conditions of Agreement No. 66350 shall remain in full force and effect unless changed or modified by this Third Amendment.

ARTICLE II. TERM

A. Commencing on December 1, 2018, the term of Agreement No. 66350 shall be for a four (4) year period, that is, from December 1, 2018, until its expiration on December 1, 2022. However, either party may terminate Agreement No. 66350, with or without cause, at any time by giving the other party written notice of such termination at least thirty (30) days prior to such termination.

B. No later than sixty (60) days prior to the expiration of the term, CCC shall notify the City's Chief of Police in writing that CCC requests an extension to the term of the Agreement. Failure of CCC to renew the Agreement through written amendment to the Agreement or through a new written agreement with the City, prior to the expiration date of the term shall require CCC Police ("CCCPD") to immediately cease and desist exercising any police authority obtained from the Agreement.

ARTICLE III. CCC POLICE GEOGRAPHICAL AREA OF JURISDICTION; AUTHORIZED CCCPD OFFICERS

A. The geographical territory and CCC-owned properties in the City of Cleveland within or upon which CCCPD is authorized to provide police services concurrently with Cleveland Police ("CDP"), and as may be limited in the Agreement, are attached hereto and expressly incorporated herein as Exhibit A and includes a list of applicable CCC properties, jurisdiction boundary descriptions, and marked maps. Exhibit A shall supersede any prior geographical area of jurisdiction descriptions in Agreement No. 66350.

B. Attached hereto and expressly incorporated herein as Exhibit B are the names, ranks, and badge numbers of CCCPD officers that are appointed and authorized to carry out powers and duties of police officers under the Agreement. During the term of the Agreement CCCPD shall promptly update this list as applicable by giving written notice to the City's Chief of Police with a copy to the City's Chief Assistant Prosecutor.

ARTICLE IV. PROTOCOLS AND POLICY IMPLEMENTATION

A. Within thirty (30) days of the Effective Date of the within Third Amendment, the CCCPD shall adopt and implement the CDP's use of force and pursuit policies. The policies are attached hereto and expressly incorporated herein as Exhibit C.

B. CDP shall give CCCPD notice of any amendments to the attached policies, which amendments CCCPD shall also adopt and implement within forty-five (45) days of such notice.

C. CDP may update the protocols governing the interactions between CDP and CCCPD and shall provide a written copy of such updates to the agency's Chief of Police, which updates shall be incorporated herein without need to formally amend the Agreement.

ARTICLE V. CCCPD PRISONERS

A. CCC acknowledges and agrees that the City no longer owns, leases, or operates any jail or other detention facilities and that the City will not accept any CCC prisoners for booking and/or incarceration and will not provide any other prisoner services for CCC.

B. CCC acknowledges and agrees that City has entered into an agreement, No. 2017-251, with the Cuyahoga County Sheriff's Department, ("County"), for jail services for "City Prisoners" as defined therein, which definition specifically excludes any prisoners taken into custody by other police agencies, including CCCPD.

C. The parties agree that commencing December 1, 2018, the City will be responsible to the County for CCCPD prisoners' per diem costs assessed by the County under Agreement No. 2017-251 between the City and County with the following exceptions:

(1) The City will not pay the County or any other entity for CCCPD prisoners arrested pursuant to state or federal laws;

(2) Any other costs for CCCPD prisoners not covered by the City's agreement with the County are and will continue to be the sole responsibility of CCC; and,

(3) CCCPD shall not ask the County to accept pre-trial or other detainees upon the sole charge of a fourth degree misdemeanor under the Cleveland Codified Ordinances and the City will not pay any pre-trial prisoner costs for those persons. Upon presentment of an invoice by City, CCC shall promptly reimburse the City for any costs the City pays the County for such prisoners if the County accepted them.

D. Any CCCPD prisoner costs City is responsible for under this Third Amendment shall be payable only to the County pursuant to Agreement No. 2017-251 and/or other separate written agreement between the City and the County, and with legislative authority if needed. No payments or reimbursement shall be made by City to CCC.

E. CCCPD shall take an active and on-going role in expediting and/or reducing the incarceration time of CCCPD prisoners the County accepts. This includes, but is not limited to, abiding by the Cleveland Municipal Court's goal of holding uncharged detainees for no longer than 36 hours. For CCCPD prisoners not charged within 36 hours, CCC, upon presentment of an invoice by City, shall promptly reimburse City for the cost of the additional jail time.

F. For CCCPD prisoners taken into custody by CCCPD pursuant to warrants issued by the Cleveland Municipal Court, and who require hospitalization or other healthcare prior to transport to the County for detention:

1. CCCPD shall provide the initial transport to the hospital/health care providers and continue to guard such prisoners for up to eight (8) hours of the initial duration of

treatment or care given the prisoner, or such longer period as CDP's Chief of Police may reasonably require.

2. If CCCPD's prisoner treatment or care shall exceed eight (8) hours duration, CCCPD shall contact the CDP to determine if a longer guarding period is required of CCCPD and, if not, to arrange for CDP to take over the guard duties for the remaining duration of the prisoner's treatment or care. CCCPD shall continue to guard such prisoners until relieved of duty by CDP and shall endeavor to ensure a smooth transition of guard duties to CDP.

3. CCCPD shall be and remain responsible for all costs of medical care and hospitalization costs of CCCPD prisoners prior to transport to County.

ARTICLE VI. TRAINING

A. CCC agrees that, at minimum, it will provide to its officers and their supervisors, and CCCPD call-takers and dispatchers and their supervisors, the same or comparable training related to use of force, crisis intervention, bias-free policing, community policing, investigatory stops, and searches and arrests, which the CDP provides to its personnel. CDP's policies and procedures [General Police Orders ("G.P.O.s")] for these areas of training are in Exhibit C, attached hereto.

1. Within sixty (60) days of the Effective Date of this Third Amendment, CCCPD shall obtain from CDP a list of applicable CDP training that is scheduled or will be scheduled in 2019 by CDP, and such other information as CCCPD may reasonably need to provide the same or comparable training to its personnel. The CDP training list for 2019 will be updated by CDP when necessary. CCCPD shall provide the same or comparable training within a reasonable time within the applicable year.

2. Prior to January 1 of each subsequent year, CCCPD shall obtain from CDP applicable anticipated training for the year and will provide such training for its applicable personnel within a reasonable time.

3. Upon request by CDP's Chief, CCCPD will provide CDP with information about the type of training provided by CCCPD and confirmation of completion of training by applicable CCCPD personnel. CDP's Chief may determine in his sole discretion that CCCPD's required training is not the same or comparable to CDP's and shall notify CCCPD's Chief in writing of the non-compliance. CCCPD shall promptly remedy its lack of compliance and shall notify CDP's Chief of the remedy. CCCPD shall promptly provide CDP's Chief with any supporting information he may reasonably request.

4. Training requirements shall continue to apply after the expiration of the City's May 26, 2015, Settlement Agreement with the U.S. Department of Justice.

B. CCCPD officers shall participate in annual joint training and other joint initiatives at the request of CDP's Chief of Police.

C. Each party is solely responsible for its own training-related costs and expenses for its personnel. Upon request by CCCPD, CDP may allow CCCPD personnel to attend applicable training provided by CDP for its own personnel, but CCC shall be solely responsible for any applicable costs or expenses, if any, associated with having CCCPD personnel attend.

ARTICLE VII. COMPLAINT BOARD

A. Within thirty (30) days of the Effective Date of this Third Amendment, CCC shall establish a complaint board made up of non-CCCPD persons and the board shall be responsible for reviewing, investigating, hearing, and making findings regarding all civilian complaints about CCCPD's policies and practices and the conduct of agency's officers and call takers/dispatchers. The board shall determine if a complaint warrants no action, or if disciplinary action against any of the officers and/or call takers/dispatchers is warranted. CCC shall take appropriate disciplinary action in response to board findings and shall provide timely written notification to the complaining party of the board's determinations and any action taken or if no action was deemed warranted.

B. Upon request of the City's Chief of Police, CCCPD shall promptly provide any information the Chief may reasonably ask for in order to review the existence and operations of the complaint board.

ARTICLE VIII. EXHIBITS

The following documents are attached to this Third Amendment and are expressly incorporated herein:

Exhibit A: Geographical Area and Locations

Exhibit B: CCCPD Officer Identifications

Exhibit C: CDP GPOs

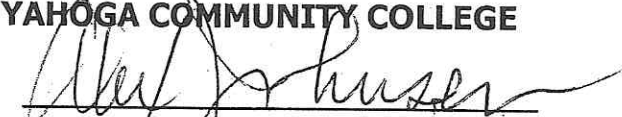
IN WITNESS WHEREOF, the parties have caused this Third Amendment to be executed by their authorized representatives.

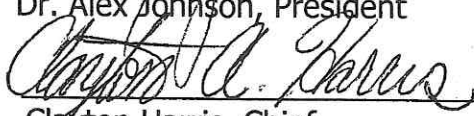
CITY OF CLEVELAND

By: 
Michael McGrath, Director
Department of Public Safety

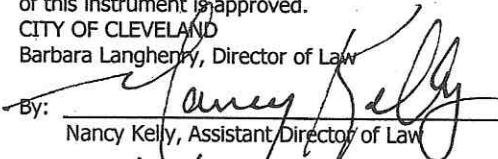
By: 
Calvin Williams, Chief
Division of Police

CUYAHOGA COMMUNITY COLLEGE

By: 
Dr. Alex Johnson, President

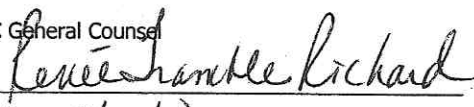
By: 
Clayton Harris, Chief
CCC Department of Police

The legal form and correctness
of this instrument is approved.
CITY OF CLEVELAND
Barbara Langherry, Director of Law

By: 
Nancy Kelly, Assistant Director of Law

Date: 11/16/18

CCC General Counsel

By: 

Date: 10/15/18



MEMORANDUM

TO: JAROD SCHLACHT / SERGEANT #9204 CPD
FROM: RONALD A. WYNNE - LIEUTENANT / PATROL DIVISION
SUBJECT: COLLEGE LOCATIONS & STAFF
DATE: OCTOBER 26, 2018

Per your request, the following document outlines Cuyahoga Community College locations within the City of Cleveland. Additionally, police personnel have been listed.

The Metropolitan Campus of Cuyahoga Community College is located at 2900 Community College Avenue, Cleveland, Ohio 44115. Latitude 41.493560 / Longitude -81.669662. GPS Coordinates are 41 29' 36.816"N / 81 40' 10.7832"W.

The Cuyahoga Community College Manufacturing Technology Center is located at 2415 Woodland Avenue, Cleveland, Ohio 44115. Latitude 41.492454 / Longitude -81.672795. GPS Coordinates 41 29' 32.8344"N / 81 40' 22.062"W.

The Cuyahoga Community College Advanced Technology Center is located at 3409 Woodland Avenue, Cleveland, Ohio 44115. Latitude 41.491644 / Longitude -81.667259. GPS Coordinates 41 29' 29.9184"N / 81 40' 2.1324"W.

The Cuyahoga Community College Hospitality Management Center is located at 180 Euclid Avenue, Cleveland, Ohio 44114. Latitude 41.499311 / Longitude -81.692101. GPS Coordinates 41 29' 57.5196"N / 81 41' 31.5636"W.

The Cuyahoga Community College District Administration Building is located at 700 Carnegie Avenue, Cleveland, Ohio 44115. Latitude 41.495047 / Longitude -81.683816. GPS Coordinates 41 29' 42.1692"N / 81 41' 1.7376"W.

The Cuyahoga Community College Jerry Sue Thornton Center is located at 2500 East 22nd Street, Cleveland, Ohio 44115. Latitude 41.496565 / -81.674107. GPS Coordinates 41 29' 47.634"N / 81 40' 26.7852"W.

EXHIBIT A

Command Staff:

Clayton A. Harris	Chief	U1
Ronald A. Wynne	Lieutenant	LT1
Thomas McMillan	Lieutenant	LT2
Allison Moreland	Lieutenant	LT3
William Woo	Sergeant	S1
Jerome Johnson	Sergeant	S2
Reginald Eakins	Sergeant	S3
Stephanie Hall	Sergeant	S4
Benjamin Wilson	Corporal	DC1
Mark Carney	Corporal	DC2
Gary Cantwell	Corporal	DC3
Daniel Heglaw	Corporal	DC4
Thomas Roper	Corporal	DC5
Jamie Bailey	Detective	D1

Patrol Division / Police Officers:

Ayad Alabsi	Patrolman	#103
Charles Araujo	Patrolman	#108
Anne Berry	Patrolman	#110
Robert Bruce	Patrolman	#131
Todd Clark	Patrolman	#158
Brian Dalton	Patrolman	#154
Antwan Daniels	Patrolman	#105
William Edley	Patrolman	#153
Gilbert Grooms	Patrolman	#162
James Kohler	Patrolman	#133
Robert McClish	Patrolman	#109
Annette Miller	Patrolman	#120
Narayan Stitt	Patrolman	#164
Saladin Sudberry	Patrolman	#166
Rashad Whitfield	Patrolman	#106
Jeffrey Yancy	Patrolman	#159
Jason Young	Patrolman	#130
Ronald Arpajian	Patrolman	#255
Ray Barnhardt	Patrolman	#205
John Buettner	Patrolman	#203
Laura Clague	Patrolman	#223
Jerry Dodge	Patrolman	#202
Timothy Keck	Patrolman	#256
Carlos Medina	Patrolman	#257
Joseph Mazur	Patrolman	#247
Richard Peters	Patrolman	#248
S. Scharschmidt	Patrolman	#221

EXHIBIT B

Barry Smith	Patrolman	#222
Mark Tescar	Patrolman	#258
Tom Wieczorek	Patrolman	#201
O. Wize-Roman	Patrolman	#207
Joseph Billips	Patrolman	#338
Victor Gill	Patrolman	#305
Charles Golston	Patrolman	#359
Timothy Grafton	Patrolman	#337
Kevin Grayson	Patrolman	#302
Reynaldo Gregory	Patrolman	#361
Lynn Hampton	Patrolman	#335
Hubert Johnson	Patrolman	#340
Michelle Kennedy	Patrolman	#360
Timothy Kimble	Patrolman	#308
Danielle Sherrill	Patrolman	#301
Roger Stoudmire	Patrolman	#334
Brandon Tisdale	Patrolman	#309
Grady Young	Patrolman	#303
Gun Chao	Patrolman	#621
David Jake	Patrolman	#627
David Lisy	Patrolman	#620
R. McManamon	Patrolman	#624
David Pace	Patrolman	#625
Michael Sparks	Patrolman	#622

Security Officers:

Adam Doyle	Security	#720
Kevin Gaffney	Security	#721
Denise Gordon	Security	#712
Mark Lorcher	Security	#705
Matthew Little	Security	#723
Kirk Maynard	Security	#708
Vincent Walls	Security	#701
Franklin Barns	Security	#715
Joel Broadnax	Security	#703
Kevin Gelder	Security	#711
Donald Kilgo	Security	#707
Mark Hoprich	Security	#704
Tanesha Waller	Security	#719
Christine Logan	Security	#710
Rafael Tarrant	Security	#717

EXHIBIT C

CDP GPOs

GPO 2.01.03

USE OF FORCE – GENERAL



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: January 1, 2018	CHAPTER: 2 - Legal	PAGE: 1 of 7	NUMBER: 2.01.03
SUBJECT: USE OF FORCE - GENERAL			
CHIEF: Calvin D. Williams, Chief			

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 SHOULD 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; and
5. To defend or protect an officer or an individual from the violent or resistant physical acts of another.

III. Proportionality

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

IV. Objective Reasonableness

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

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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 to 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
10. Officer's and subject's position (e.g., being on the ground);
11. The officer's distance from the subject(s);
12. The officer's special knowledge or training; and
13. The degree to which the subject is already restrained (handcuffed, physically controlled by others, or whose mobility has been otherwise severely compromised).

F. The unreasonable use of force shall subject officers to the disciplinary process, possible criminal prosecution, and/or possible civil liability.

V. De-escalation

- A. OFFICERS SHALL USE DE-ESCALATION TECHNIQUES WHEN IT IS SAFE AND FEASIBLE TO DO SO UNDER THE TOTALITY OF THE CIRCUMSTANCES. (Reference De-escalation GPO 2.01.02).
- 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

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encountered, while still achieving the lawful objective. Officers shall reduce the level of force applied as the nature of the threat diminishes.

PROCEDURES:

I. General Procedures

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

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

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

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III. Use of Force: When Prohibited

- A. Consistent with the principles of necessity, proportionality, objective reasonableness, and de-escalation, Officers shall not:
1. Use force to subdue a subject(s) who is not suspected of any criminal conduct, other than to protect an officer's or another person's safety.
 2. Use retaliatory force (which includes, but is not limited to, force in excess of what is objectively reasonable to prevent an escape, force to punish individuals for fleeing or otherwise resisting arrest, force used to punish an individual for disrespecting officers, and other such circumstances).
 3. Use force against subject(s) who only verbally confront officers and are not involved in criminal conduct.
 4. Use force against subject(s) who are handcuffed or otherwise restrained, unless it is objectively reasonable and necessary under the circumstances to stop an assault, escape, or as necessary to fulfill other law enforcement objectives.
 5. Un-holster and display or un-holster and point a firearm unless the circumstances surrounding the incident create an objectively reasonable belief that the situation may escalate to the point at which deadly force would be authorized.
 6. Use force to overcome passive resistance, except where it is necessary, proportional, and objectively reasonable to achieve a legitimate law enforcement objective.
 7. Use force against those who are 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.
 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. (Reference GPO 4.01.01 Vehicle Pursuits).

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14. Reach into or place themselves in the path of a vehicle. Officers shall move out of the path of a moving vehicle. (Reference GPO 4.01.01 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.

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

IV. Duty to Intervene

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

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V. Duty to Provide Medical Attention

- A. Immediately following any use of force and when the scene is secure, officers, and upon their arrival, supervisors, shall inspect and observe subject(s) for injury or complaints of pain resulting directly or indirectly from the use of force.
- B. If needed, officers and supervisors shall immediately obtain any necessary medical care while providing emergency first aid until professional medical care providers arrive.
- C. Officers shall immediately request Emergency Medical Services (EMS) to respond for the following Use of Force applications regardless of visible injury or complaint of injury:
 - 1. Discharges of a firearm that strikes a subject;
 - 2. Impact of subject's head against a hard, fixed object;
 - 3. Any use of force on subjects who are reasonably believed or known to be pregnant, children, elderly, physically or medically frail, or disabled;
 - 4. Refer to GPO 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 the subject is injured, exhibits physical distress, complains of pain, or has been rendered unconscious.

VI. Training - Officers shall be trained and tested at least yearly on the laws and Division policies regarding the use of force, and appropriate methods to effect arrests.

GPO 3.02.02
VEHICLE PURSUITS



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



ORIGINAL EFFECTIVE DATE: MARCH 01, 2002	REVISED DATE: May 22, 2015	NO. PAGES: 1 of 17	NUMBER: 3.2.02
SUBJECT: VEHICLE PURSUITS			
ASSOCIATED MANUAL:		RELATED ORDERS: 3.2.07, 9.1.09	
CHIEF OF POLICE: Calvin D. Williams, Chief			

Substantive changes are in italics

PURPOSE: To establish guidelines for pursuit driving as required by the Ohio Revised Code, Section 2935.031. This policy is not all inclusive, but is designed to provide direction and clarity.

POLICY: The Cleveland Division of Police shall regulate the conduct of vehicle pursuits while balancing the need to carry out its law enforcement mission against the duty to protect the general public. The Division of Police shall proactively and vigorously enforce criminal and traffic laws. The Division of Police acknowledges the dangers associated with vehicle pursuits. Unless specifically approved by the controlling supervisor, no more than two police motor vehicles shall engage in a motor vehicle pursuit.

Officers shall err on the side of caution and interpret this policy in the more restrictive manner if, for any reason, this directive does not offer clear guidance for a specific set of circumstances.

Officers shall comply with the following sections of the Ohio Revised Code:

- 4511.03 - Emergency vehicles at red signal or stop sign
- 4511.041- Exceptions to traffic rules for emergency or public safety vehicle responding to emergency call
- 4511.24 - Speed limits not applicable to emergency or public safety vehicles
- 4511.45 - Right-of-way of public safety or coroner's vehicle
- 4513.21 - Horns, sirens, and warning devices

Ohio Revised Code Section 4511.041 establishes certain exceptions for public safety vehicles but, "does not relieve the driver...from the duty to drive with **DUE REGARD** for the safety of all persons and property upon the highway."

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DEFINITION:

Clear The Air - is a phrase used by CCS personnel or police officers to signify a vehicle pursuit is in progress and that only communications related to that pursuit should be broadcast. It shall not be construed as meaning only the zone car or officer involved in the pursuit may broadcast. Other information related to the pursuit shall be broadcast (e.g. officers responding, officers taking proactive measures to assist, supervisors granting or denying permission, supervisors moving zone cars to best resolve the pursuit). The phrase "clear the air" is not an official order but rather a prudent suggestion to units. Other critical incidents may make it necessary for units to broadcast information at the same time a pursuit is taking place.

Controlling Supervisor - is the supervisor that assumes all the responsibilities associated with the management of a pursuit (including the pursuit initiation, continuation, and termination). *The controlling supervisor is responsible for the investigations (i.e. Use of Less Lethal Force, member injury, damage to city property, etc.) created as a result of the pursuit, excluding investigations conducted by the supervisor of the controlling supervisor, Use of Deadly Force Investigation Team (UDFIT), or Pursuit Investigation Team (PIT).* The controlling supervisor shall be the sector supervisor assigned to the sector the pursuit is initiated in. *If the immediate supervisor of the officer initiating the pursuit is not the sector supervisor of the sector the pursuit is initiated in, the immediate supervisor may request to take over the controlling supervisor duties from the sector supervisor.* If the sector supervisor of the sector in which the pursuit began is handling an urgent and more pressing matter (handling a barricaded suspect, an officer involved shooting) that requires their full time and attention, then another sector supervisor or available higher ranking officer shall take control of the management of the pursuit.

Parallel Pursuit - is the tactic of a police vehicle operator to mirror, on adjacent streets, the direction and speed of vehicles actively involved in an authorized pursuit.

Pursuit Perimeter - is the zone the pursuit is occurring in. The pursuit perimeter is fluid and changes as the pursuit moves.

Radio Supervisor - is the supervisor assigned to the Communications Control Section (CCS) that has the responsibility to ensure relevant information is relayed to the controlling supervisor, scene supervisor, and surrounding District supervisors. The radio supervisor shall actively monitor all vehicle pursuits including AVL and radio traffic. The radio supervisor shall be the sergeant assigned to CCS or the chief dispatcher if a sergeant is unavailable.

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Scene Supervisor - is the supervisor assigned to the sector where the pursuit ends. The scene supervisor is the incident commander of the scene until the controlling supervisor or a higher ranking supervisor arrives on scene. If a pursuit leaves the City of Cleveland the supervisor assigned to the last sector the pursuit was in remains the scene supervisor until the pursuit ends or reenters the City of Cleveland. If the pursuit ends outside the City of Cleveland the scene supervisor shall assist the local agency in any way requested.

Self-Dispatch - is a term used to describe the action of officers taking it upon themselves to respond to a scene or incident without being requested by CCS and not informing CCS of the response to assist. Self-dispatching does not allow CCS and/or supervisors to know the true number of units and/or officers on a scene or involved in an incident.

Vehicular Pursuit - occurs when there is an active attempt by an officer in an authorized emergency vehicle to apprehend a suspect who is attempting to elude the police.

Vehicular Pursuit Termination - occurs when the pursuing vehicle advises the Communications Control Section (CCS) they are discontinuing the pursuit or when ordered to do so by a supervisor; and does so by returning to normal vehicular operations, deactivating its emergency lights and sirens, and changes direction away from the offender's last known direction.

Violent Felony - is a known or suspected crime in which the force attempted or used against a person was deadly or likely to cause serious physical harm as defined by the Ohio Revised Code. The crimes include murder, manslaughter, aggravated robbery, rape, sexual battery, arson, kidnapping, aggravated burglary, felonious assault with a deadly weapon, and felonious assault resulting in serious physical harm. An officer having to move from the path of a fleeing vehicle or incidental contact between the fleeing vehicle and a police vehicle does not constitute a violent felony for purposes of this order. Given the totality of the circumstances, the controlling supervisor shall determine if the pursued vehicle committed a violent felony for purposes of this order.

PROCEDURES:

- I. Officers may initiate a vehicle pursuit when ALL of the following criteria are met:
 - A. The suspect operating the vehicle refuses to stop at the officer's direction and flees apprehension for an actual or alleged:
 1. **VIOLENT FELONY**; or
 2. **Operating a Vehicle Intoxicated (OVI)**

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- B. THE IMMEDIATE DANGER OF THE PURSUIT IS LESS THAN THE IMMEDIATE OR POTENTIAL DANGER TO THE PUBLIC IF THE SUSPECT REMAINS AT LARGE; and
- C. The officer is operating an authorized emergency vehicle.
- II. The act of fleeing in and of itself is not sufficient cause to engage or continue to engage the fleeing vehicle in a pursuit.
- III. When initiating and/or continuing a pursuit, officers shall take into consideration other factors such as weather, time of day, volume of vehicular and pedestrian traffic, road conditions, capability of the pursuit vehicle, population density, geographic location, officer familiarity with the area and proximity to certain areas (such as schools, parks, playgrounds, and venues associated with crowds) during those times when pedestrians are reasonably perceived to be active.
- IV. *Any member knowing or suspecting that a pursuit is not in compliance with this order shall immediately notify the controlling supervisor.*
- V. Pursuing Officers duties.
 - A. Officers initiating a pursuit shall immediately notify CCS that a pursuit is underway, provide the reason for the pursuit, direction of travel, description of the vehicle, license plate number, number of occupants and the speeds involved. (Acknowledgment from CCS of an officer's engagement in a pursuit does NOT constitute permission to continue pursuit. That permission shall come from the controlling supervisor.)
 - B. The first unit immediately behind the fleeing offender shall be referred to as the primary pursuit unit and the unit behind the primary pursuit unit shall be referred to as the secondary pursuit unit. When the Aviation Unit joins a pursuit they shall be the primary pursuit unit.
 - C. Pursuing officers shall immediately switch to the main communication channel of the district of occurrence if operating on another channel (i.e. Tactical, Traffic, Special Events).
 - D. Pursuing officers shall become the secondary unit if driving an unmarked unit or if the unit is not equipped with a light bar, when a marked unit with a light bar and siren is available as the primary pursuit unit.

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E. Pursuing officers shall immediately terminate a pursuit if:

1. The level of danger to life outweighs the need for immediate apprehension. Examples include but are not limited to the pursued driver:
 - a. Not attempting to slow for red lights or stop signs.
 - b. Intentionally driving left of center and into oncoming traffic.
 - c. Speeds far in excess of safe limits relative to road and traffic conditions.
 - d. Blatant disregard for the safety of other vehicles or pedestrians.
2. Ordered to do so by a supervisor. Officers shall not follow a suspect vehicle after a pursuit has been terminated.
3. Contact with CCS or other units involved in the pursuit is lost.
4. There is sufficient identifying information and reasonable probability of arresting the fleeing suspect later.
5. The distance between the pursuing vehicle and the pursued vehicle is so great that apprehension is unlikely and continuing the pursuit creates an unreasonable risk to the public and officers.

F. When a pursuit is terminated by the pursuing officer's choice or an order from a supervisor, the officer shall, in this order:

1. Slow down to normal vehicle operation.
2. Turn off all emergency equipment (lights and sirens).
3. Confirm the pursuit is terminated by notifying CCS and the controlling supervisor.
4. Change direction away from the offender's last known direction.

G. Pursuing officers shall remain on the channel of the district the pursuit began in for the duration of the pursuit.

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- H. Notify CCS when a pursuit appears to be, or actually is leaving the City of Cleveland and ensure the controlling supervisor is aware.
- I. Any unit that judges the pursuit has concluded or that an emergency response from additional units is no longer needed shall notify the controlling supervisor or the scene supervisor. The controlling supervisor or the scene supervisor shall then determine if additional units should continue to respond or disregard.

VI. Officers shall not:

- A. Self-dispatch.
- B. Engage in a pursuit in a police vehicle that contains witnesses, suspects, complainants, ride-alongs, or other non-police personnel.
- C. Pass the primary pursuit unit if acting as a secondary pursuit unit, unless the tactical advantage has clearly moved to a secondary pursuit unit due to a lapse in pursuit by the primary pursuit unit. All pursuit units shall maintain an assured clear distance from each other and the pursued vehicle.
- D. Attempt to employ any procedure that involves physical contact between the pursuing vehicle and the pursued vehicle unless approved by the controlling supervisor.
- E. Continue the pursuit when operating a motorcycle or unmarked unit if a marked unit with a lightbar and siren is available to take over the pursuit.
- F. Join a pursuit in an unmarked unit unless equipped with emergency red or blue lights and siren unless it is to save or preserve the lives of innocent persons.
- G. Engage in a parallel pursuit without permission from the controlling supervisor. Following a pursuit on parallel streets is considered an active engagement in a pursuit and is prohibited for vehicles that are not the primary pursuit unit, the secondary pursuit unit, or additional units approved by the controlling supervisor.

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VII. The Controlling Supervisor shall:

- A. *Immediately inform CCS of their call sign, indicate they are the controlling supervisor, and that they are monitoring the pursuit.*
- B. Not be directly involved in the pursuit. It is recommended that the controlling supervisor not operate a motor vehicle while managing a pursuit. If operating a motor vehicle, the controlling supervisor should park their vehicle in a safe location from which to manage the pursuit. If the controlling supervisor chooses not to pull over, they shall ensure that their attention is first to the task of driving and second to managing the pursuit.
- C. Make a reasonable effort to have simultaneous access to the Automated Vehicle Locator (AVL) system, telephone or cell phone, and two radios with which to manage the pursuit.
- D. Permit no more than two police vehicles to directly engage in a pursuit, except under unusual and well-articulated circumstances.
- E. Remain in command regardless of the area the pursuit enters.
- F. Place other available vehicular units in the pursuit perimeter when needed.
- G. Request assistance from other supervisors when needed to help monitor and manage the pursuit.
- H. Control the pursuit by:
 1. Monitoring and directing units into or out of the pursuit or the pursuit perimeter.
 2. Rotating units into and out of the pursuit or pursuit perimeter to conduct the pursuit in a manner as advantageous to the involved officers as possible. Rotation can occur, but is not limited to, the following reasons:
 - a. Replacing one officer units with two officer units.
 - b. When an officer with better driving ability or equipment is available.

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- c. A pursuing officer exhibits suspected diminished critical decision making skills as evidenced by the following non-inclusive:
 1. Radio transmissions become less coherent from changes in voice pitch, volume, and/or tone.
 2. Disregarding supervisor's orders.
 3. Referencing the AVL system when available to determine the:
 - a. Number of police vehicles involved in the pursuit.
 - b. Presence of self-dispatched officers in the pursuit and the pursuit perimeter.
 - c. Speed, direction, and possible destination of the pursuit.
 4. Assigning support and back-up units.
 5. Approving or ordering alternative tactics.
 6. Determining the need for any pursuit unit to engage in a parallel pursuit and grant permission to engage in such a strategy where the totality of circumstances warrants the use of such a strategy.
 7. Coordinating with the Aviation Unit. When available, the Aviation Unit shall become the primary pursuit unit and shall assist the controlling supervisor in directing the secondary units as needed.
 8. Terminating the pursuit in accordance with this directive.
- I. Be accountable for continuing a pursuit if circumstances indicate that the pursuit should have been terminated as analyzed from the perspective of an objectively reasonable supervisor possessing the same information and faced with the same circumstances as the controlling supervisor. Objective reasonableness is not analyzed with hindsight, but will take into account, where appropriate, the fact that vehicle pursuits involve rapid decision-making in tense, uncertain, and rapidly evolving situations.

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- J. Remain in charge if the pursuit enters another jurisdiction, unless control is requested by the other agency.
- K. Complete the Vehicle Pursuit Report (Attachment) for every pursuit initiated (including those that are terminated without arrest or accident), *faxing it to the Inspection Unit*, and forward it to the respective Deputy Chief in that chain of command. "Pursuit" shall be included in the title of related Record Management System (RMS) reports (e.g. GTMV/Pursuit/Recovery/Arrest). If a Cleveland police pursuit vehicle is involved in a crash, copies of the completed pursuit report shall be included in the investigative package. The controlling supervisor shall mark in the spaces indicated whether the involved officers complied with the applicable written directives of the Division of Police.
- L. Notify the Accident Investigation Unit (AIU) via CCS to respond to accidents that result from a pursuit, whether or not a city vehicle is damaged. If AIU is unavailable, a basic patrol car of the district in which the accident occurred shall complete the reports. The controlling supervisor shall notify the Crime Scene and Record Unit via CCS to take photographs when AIU is unavailable.
- M. Notify the PIT via CCS to respond to accidents that result from a pursuit if a fatal or hospital confining injury occurred whether or not a city vehicle is involved, or if directed by the Chief or Chief's designee. Ensure officers preserve the accident scene, collect evidence subject to loss, destruction, or alteration, and detain witnesses until identified or interviewed by PIT.
- N. Use the replay feature of the AVL system to review the pursuit and complete an AVL playback request form for a copy of the pursuit.
- O. Conduct an after pursuit debriefing and review with all the officers involved as soon as possible after the pursuit. Note on the Vehicle Pursuit Form the debriefing/review occurred and any corrective actions taken. The purpose of this review is to:
 - 1. Reinforce positive actions taken by the officers during the pursuit.
 - 2. Evaluate the involved officers' compliance with this order and any verbal counseling (described in GPO 1.1.11) to correct any violations discovered that do not rise to the level of the formal discipline process.

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VIII. Scene Supervisors' Responsibilities

- A. When a pursuit enters their sector, manage mobile units under their command to provide assistance within the pursuit perimeter by blocking major intersections or being in the area to assist with a foot pursuit, but not involved in the pursuit.
- B. When the pursuit ends, take control of the scene until the controlling supervisor arrives on scene.
- C. If unable to respond due to other immediate responsibilities, direct CCS to request another supervisor respond to the location of the pursuit's end.

IX. Other Supervisors' Responsibilities

- A. Supervisors at the rank of captain or above shall not be the controlling supervisor, but shall monitor vehicle pursuits involving officers under their command. Any supervisor of a higher rank than the controlling supervisor may terminate a pursuit.
- B. Sector supervisors and support unit supervisors shall provide support to the controlling supervisor by tactically placing police units within the pursuit perimeter when a pursuit enters their sector or the area their units are operating in. Sector supervisors and support unit supervisors shall notify the controlling supervisor of any support provided.
- C. Sector supervisors receiving information from CCS of a pursuit in an adjoining district shall monitor that pursuit via that pursuing district's radio channel and by AVL, if available, in the event that the pursuit enters their sector. Adjoining district sector supervisors shall advise the controlling supervisor of any issues or factors in their district that would assist the controlling supervisor if the pursuit were to enter the adjoining district.

X. Communications Control Section Responsibilities.

- A. CCS is an essential and integral part of monitoring and controlling a vehicle pursuit.
- B. CCS dispatchers shall:
 - I. Immediately notify the CCS sworn supervisor or chief dispatcher

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- a. That a pursuit has been initiated in their district.
 - b. When it becomes evident, through radio traffic and/or AVL, that
 1. Officers are self-dispatching into the pursuit or pursuit perimeter.
 2. Police vehicles in their district are paralleling a pursuit in another district.
 - c. When they become aware that radio traffic about a single pursuit is being broadcast on multiple radio channels.
2. Monitor the AVL system and provide relevant information to the controlling supervisor.
 3. Determine the availability of the Aviation Unit. If the Aviation Unit is available, CCS shall immediately inform the Aviation Unit of the pursuit and who the controlling supervisor is.
 4. While monitoring a pursuit in their district, convey pursuit information to other dispatchers assigned to the adjoining districts. The dispatchers of the adjoining districts shall notify their respective sector supervisors, giving appropriate details as needed, that a vehicular pursuit is occurring in a neighboring district.
 5. Notify neighboring jurisdictions, when approved by the controlling supervisor, when a pursuit appears to be or is leaving the City of Cleveland and entering the neighboring jurisdiction.
- C. CCS supervisors (sworn and civilian) shall:
1. Monitor the pursuit, provide assistance to the dispatcher(s) when needed, and ensure a controlling supervisor has control of the pursuit.
 2. Ensure the controlling supervisor is notified of the following information as appropriate:
 - a. If there are any code one priorities occurring in the same or adjacent geographic areas.

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- b. The number and speed of police vehicles that appear to be involved in the pursuit as shown on the AVL and CAD screens.
 - c. Any signs of officers self-dispatching themselves into the pursuit or pursuit perimeter.
 - d. Emergency activity of any other public safety vehicles in the area, if known.
 - e. In the event that a pursuit is terminated, monitor the AVL to confirm that the involved vehicles have terminated and notify the controlling supervisor.
 - f. Any outside agencies involved in the pursuit, any unusual road hazards or closures in the area, any significant movements of police vehicles entering the area of pursuit, and any police vehicles not directly involved in the pursuit or other code one assignments that are traveling at an excessive emergency response speed.
- D. In all instances, the controlling supervisor shall be the final authority and be solely responsible for the management of a vehicular pursuit regardless of what information may or may not be made available by CCS.

XI. Video recording of pursuits

- A. Officers wearing a body worn video or audio recording device or operating a Division vehicle equipped with a video recording device (city owned or personal) that has participated in any aspect of a pursuit shall immediately advise the controlling supervisor of any captured recordings of the pursuit. This provision shall also apply to airborne units.
- B. The controlling supervisor shall obtain a copy of any recordings of a pursuit. If a copy cannot immediately be obtained the controlling supervisor shall take custody of whatever storage medium (memory card/stick, CD, DVD, tape) was used by the recording device (including the recording device itself if necessary [cell phone, digital audio recorder] regardless if it is City or member's personal property) and retain it until such time that a copy can be made. When a copy has been created, the original storage medium may be returned to the recording device. The transferred data shall be recorded onto a portable digital storage medium (such as a DVD), given an RMS number

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and entered into evidence according to established procedures. Member's personal property shall be returned back to the member as soon as reasonably possible once the recordings have been saved into evidence.

- C. The existence of any video and/or audio recordings of the pursuit is considered evidence and shall be noted on the Vehicle Pursuit Report.

XII. Aviation Unit

- A. The Aviation Unit shall become the primary pursuit unit as soon as it becomes engaged in the pursuit. All ground units shall cease further ground pursuit, return to normal (non-emergency) vehicle operation, and await further instructions from the controlling supervisor.
- B. The Aviation Unit shall work closely with the controlling supervisor.
 - 1. Determine if ground pursuit is still needed or ensuring that zone cars have terminated the ground pursuit.
 - 2. Assist the controlling supervisor to coordinate movements of zone cars in the pursuit and pursuit perimeter.
 - 3. Provide relevant information related to the pursuit such as vehicular or pedestrian traffic within the pursuit perimeter.
- C. The Aviation Unit shall advise the controlling supervisor of the suspect's direction of travel and the location if the suspect stops the vehicle.
- D. When approved by the controlling supervisor, the Aviation Unit shall guide the ground units toward the suspect's location.
- E. Ground units shall be aware that when multiple suspects abandon a suspect vehicle, the Aviation Unit shall focus on the driver and relay information as appropriate. However, an armed vehicle occupant takes precedence over an unarmed occupant.
- F. The Aviation Unit may continue to monitor a fleeing vehicle and broadcast updated information after the controlling supervisor has terminated the pursuit. Based on information provided by the Aviation Unit (including if the pursued vehicle has been parked or abandoned), the controlling supervisor may have officers respond to the location of the pursued vehicle.

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- G. The command and control of the Aviation Unit will remain within the Aviation Unit's Standard Operating Procedures.

XIII. Alternative Tactics

A. Roadblocks

1. Roadblocks shall be designed to allow the suspect vehicle to proceed slowly through the roadblock through an open route.
2. Roadblocks shall be used only with the authorization of the controlling supervisor.
3. Officers shall never use occupied or private vehicles as a barricade or roadblock.

- B. Officer initiated intentional vehicle-to-vehicle contact shall be considered a use of force and follow the guidelines described in GPO 2.1.01 Use of Force.

XIV. Protocols Involving Outside Agencies

- A. The controlling supervisor shall immediately notify CCS that a pursuit is about to enter another jurisdiction and whether assistance is needed.
- B. When another agency has a pursuit entering Cleveland the sector supervisors shall monitor the pursuit via CCS and determine if Cleveland police vehicles shall be permitted to join the pursuit. This policy goes into effect whenever Cleveland police vehicles are involved in or assisting with another agencies pursuit inside Cleveland.
- C. Cleveland Division of Police personnel may engage in pursuits initiated by outside agencies only to the extent that they meet the standards of engagement as articulated in this General Police Order.
- D. Officers shall not join a pursuit initiated by another law enforcement agency unless requested to do so by the agency and approved by their unit supervisor or a sector supervisor.

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- E. CCS shall coordinate communications between the Division and outside agencies ensuring relevant information is exchanged. Relevant information shall include: reason for pursuit, location/direction of pursuit, vehicle/occupant description, and the deployment of tire deflation devices or other law enforcement actions or tactics. This shall be done regardless of which agency initiated the pursuit or is assisting.
- F. The coordination of any resultant criminal investigation shall be the responsibility of the initiating agency. The handling of accidents will generally be the responsibility of the agency in whose jurisdiction the accident occurs.
- G. Any involved agency may request a debriefing/review of another involved agency for the purposes of its own investigation or critique.
- H. In the event that a pursuit initiated by an outside agency is lost or terminated and the vehicle/suspect is still at large and a Cleveland police officer reacquires the vehicle/suspect, the officer shall contact CCS to determine if the originating agency wants to reinitiate the pursuit. If not, then the Cleveland police shall not become involved in a pursuit, unless there are reasons, as listed in Section I of this General Police Order, to justify a fresh pursuit.
- I. If an outside agency reinitiates the pursuit, that agency shall become the primary agency and the incident will be viewed as a new pursuit.

XV. Investigation and Administrative Review of Pursuits

- A. *All pursuits require the completion of the Vehicle Pursuit Form and all forms shall be faxed to the Inspection Unit.*
- B. Pursuits that do not result in property damage or injury require only the completion of the Vehicle Pursuit Form. This form shall be faxed to the Inspection Unit and forwarded to the respective Deputy Chief in that chain of command. Upon review by the Deputy Chief, the form shall be forwarded to the Inspection Unit.

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- C. All pursuits that result in accidents where property damage, injury, or death occurs shall be the subject of an investigation. The investigation shall be conducted by the superior officer of the controlling supervisor who monitored the pursuit. If that supervisor was also involved in the pursuit, it shall be investigated by the superior officer next in that chain of command.

1. *The investigating supervisor shall:*

- a. *Ensure that the investigation includes a review of the dispatch recordings, available AVL data, and audio or video recordings of the pursuit prior to finalizing and submitting any findings.*
- b. *Produce an investigative package that will include a Form-1 synopsis and evaluation of the event. The Form-1 shall address whether actions taken by Division members were appropriate and in compliance with Division rules and procedures. The package shall also include as applicable, the original Vehicle Pursuit Form, copies of RMS and/or AIU reports, officer injury reports, PIT investigations, and any audio or video recordings of the pursuit.*
- c. *Within seven days of the incident forward the package through the chain of command of the controlling supervisor.*

2. *Each supervisor in the chain of command shall, within seven days of receipt of the package, review and assess the actions taken by the members involved and determine if those actions were appropriate and in compliance with Division rules and procedures. Supervisors deviating from the seven day requirement shall submit a Form-1 explaining the reason for the delay and request an extension.*

3. *Each reviewing superior officer shall endorse the investigative package with their determination as to whether or not members followed Division directives.*

4. *Upon endorsement by the respective Deputy Chief the package shall be forwarded to the Inspection Unit for an administrative review.*

a. *The Inspection Unit shall:*

1. *Review the supervisor's investigative package.*

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2. Conduct any additional investigation that may be required.
 3. Complete a report including a determination as to the members' adherence to Division directives.
- b. The administrative review package shall be attached to the supervisor's investigative package and delivered to the Chief's Office. Upon review by the Chief's Office, the investigative packages shall be returned to the Inspection Unit for filing.
- D. The PIT shall be called to any scene involving a fatality or hospital confining injury and shall have investigative authority over the pursuit related crash only, not the pursuit. Upon endorsement by the Deputy Chief of Homeland Special Operations the crash investigative package shall be forwarded to the Chief's Office. Upon review by the Chief's Office, the PIT investigative package shall be forwarded to the Inspection Unit for filing.
- XVI. Upon completion of the investigation and administrative review of a vehicular pursuit that results in a serious injury or death, officers involved in such a pursuit shall attend a block of instruction on the subject of vehicle pursuits. Attendance at this training shall also serve as an additional debriefing of events to give vehicle pursuit instructors additional background information on the subject matter.
- XVII. CCS shall note in the "Chief's Items of Interest" all vehicle pursuits and provide detailed information about any related deaths, injuries or property damage.

GPO 5.11.01

CRISIS INTERVENTION TEAM DEFINITIONS

GPO 5.11.02

CRISIS INTERVENTION TEAM PROGRAM

GPO 5.11.03

CRISIS INTERVENTION TEAM RESPONSE



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: January 1, 2018	CHAPTER: 5 - Field Investigations	PAGE: 1 of 2	NUMBER: 5.11.01
SUBJECT: CRISIS INTERVENTION TEAM DEFINITIONS			
CHIEF: <i>Captain D. Williams, Chief</i>			

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

DEFINITIONS:

Crisis: A situation where an individual's safety and health are threatened by behavioral health challenges, to include mental illness, developmental disabilities, substance use, or overwhelming stressors. A crisis can involve an individual's perception or experience of an event or situation as an intolerable difficulty that exceeds the individual's current resources and coping mechanisms and may include unusual stress in their life that renders them unable to function as they normally would, which may make them a danger to self or others.

Crisis Incident: An incident involving individuals who are experiencing a crisis that could cause the individual to harm themselves or others through erratic behavior.

Crisis Intervention: The emergency and temporary care given to an individual in crisis with the purpose of returning the individual to their level of pre-crisis functioning.

Crisis Intervention Team (CIT): Specially trained officers in crisis intervention.

Crisis Intervention Team Coordinator (CIT Coordinator): An officer of CDP at the rank of Captain or above who is responsible for CDP's CIT Program. The CIT Coordinator is the point of contact between all behavioral health and crisis intervention issues involving the CDP and the community, including crisis intervention training, reporting, and policies.

Crisis Intervention Team Program (CIT Program): A partnership between police, mental and behavioral health agencies, advocates, and the community that seeks to achieve the common goals of safety, understanding, and service to individuals in crisis, those with behavioral health issues, and their families.

Crisis Intervention Team Stat Sheet (CIT Stat Sheet): A data form that gathers required crisis intervention information for CDP and the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board to track and assess gaps in CIT responses and training. See Attachment A.

Developmental Disability: A disability that is characterized by an identified condition such as Autism Spectrum Disorder or Intellectual Disability Disorder that results in functional limitations in areas such as self-care, language, learning, mobility, self-direction, comprehension, capacity for independent living and economic self-sufficiency.

Juvenile: An individual under the age of 18.

Mental Health Response Advisory Committee (MHRAC): An advisory Committee to the Department of Public Safety and CDP on behavioral health issues and crisis intervention. The committee is made up

of representatives of behavioral health and social service agencies, criminal justice agencies, advocacy groups, community members, and members of CDP. The MHRAC was developed through a Memorandum of Understanding with the City of Cleveland, Department of Public Safety and the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County.

Mental Illness: A disorder of thought, mood, memory, emotion, perception, or orientation that significantly impairs judgment, behavior, capacity to recognize reality or the ability to address basic life necessities, and requires care and treatment for the health, safety, or recovery of the individual or the safety of others. Some individuals with mental illness may have a dual diagnosis that includes another condition such as drug and/or alcohol addiction.

Mental illness conditions may be characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors.

Specialized CIT Officer: A voluntary, specially trained, basic patrol officer who has demonstrated a desire and ability to work with people in crisis situations and who has been selected to be a member of the Crisis Intervention Team.



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: January 1, 2018	CHAPTER: 5 - Field Investigations	PAGE: 1 of 7	NUMBER: 5.11.02
SUBJECT: CRISIS INTERVENTION TEAM PROGRAM			
CHIEF: <i>Calvin D. Williams, Chief</i>			

PURPOSE: To increase the effectiveness of the Cleveland Division of Police (CDP) Crisis Intervention Team (CIT) Program by: facilitating communication between CDP and the behavioral health community; developing a foundation that promotes effective solutions for assisting those in crisis or with behavioral health challenges; improving the crisis intervention training of officers; increasing the resources available to CDP; reducing the need for individuals in crisis to have further involvement with the criminal justice system; while improving the safety of officers and the Cleveland community.

POLICY: The CIT Program shall provide resources and develop collaborative partnerships with the community, behavioral health care systems, and advocacy groups to improve CDP's relationships with the community. The CIT Program shall reflect the values of the community it serves by promoting dignity and fairness to all people through its training, encounters with individuals in crisis, and community partnerships, with the goal of connecting or re-directing individuals in crisis and their families to health care resources that can provide for long-term stabilization and support.

PROCEDURES:

I. Crisis Intervention Team Program

- A. The CIT Program is CDP's collaborative, coordinated plan of action that includes partnerships between CDP, the community, behavioral health and social service agencies, and advocates to provide a transparent process for positive, sustainable change in responding to individuals in crisis.
- B. The goals of the CIT Program are to:
 - 1. Assist individuals in crisis while demonstrating dignity and respect;
 - 2. Improve the safety of officers, individuals in crisis, their family members, and other members of the community;
 - 3. Develop the foundation necessary to promote community solutions to assist individuals in crisis; and
 - 4. Reduce the need for individuals in crisis to have further involvement with the criminal justice system.
 - 5. Ensure visibility and recognition of Specialized CIT officers in the field through the use of adequate CIT identification markers (i.e., CIT pin, vest, etc.).

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6. Build relationships and awareness of Crisis Intervention with the community and local neighborhoods.
- C. The CIT Program will provide a transparent process for responding to and connecting individuals in crisis to the needed resources by:
1. Providing officers with resources to make the appropriate referrals;
 2. Ensuring officers take an active role in the MHRAC by:
 - a. Attending meetings, when possible; and
 - b. Providing feedback on behavioral health services.
 3. Enhancing crisis intervention training for officers and dispatchers;
 4. Developing and continuously improving the CIT program;
 5. Reviewing and updating crisis intervention policies; and
 6. Collecting and maintaining statistical data on crisis incidents handled by CDP and reporting annually to both the public and the MHRAC (aggregated as necessary to protect privacy) in order to make on-going improvements to the CDP's response to crisis incidents.
 7. CIT Officers shall engage in community education and engagement (familiarizing self and Specialized CIT Officers with neighborhoods and culture in which citizens live through the CIT Coordinator and CIT Officers and engage in ongoing relationship and trust-building).

II. CIT Coordinator

- A. The CIT Coordinator's responsibility is to facilitate communication between CDP and members of the behavioral health community and to increase the effectiveness of CDP's Crisis Intervention Program.
- B. The CIT Coordinator's duties are to provide leadership that increases the effectiveness of the CIT Program while ensuring the program is conveying goodwill and trustworthiness throughout CDP and the community by:
 1. Developing and maintaining partnerships with program stakeholders, serving as a point of contact with advocates, individuals, families, caregivers, professionals, and others associated with the mental health community;
 2. Familiarizing self and Specialized CIT Officers with neighborhoods and culture in which citizens live and engage in on-going relationship and trust-building efforts.
 3. Participating in, and coordinating the implementation of changes and recommendations made by the MHRAC;

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4. Ensuring the selection of the appropriate candidates as Specialized CIT officers;
5. Ensuring that officers and dispatchers are appropriately responding to CIT-related calls; and ensuring accountability for following CIT Response policy.
6. Creating ways to recognize and honor Specialized CIT officers and dispatchers.
7. Developing an effective CIT plan, as described in Section III below, and reviewing and updating the plan, as barriers to full CIT coverage are identified and addressed, and no less than annually;
8. Working with the MHRAC to regularly, but no less than annually, solicit feedback from Specialized CIT officers, the mental health community, and dispatchers regarding the efficacy of CDP's CIT program and ways in which CDP can continuously improve relationships with the community;
9. On a quarterly basis, providing the Communication Control Section with an updated roster of Specialized CIT officers;
10. Addressing operational issues raised by CDP and interacting with patrol and supervisors to problem solve those issues;
11. Reviewing and updating CDP crisis intervention policies based on best practices and changes in federal and state laws and regulations, and city ordinances, at a minimum, on an annual basis; and
12. Ensuring that Crisis Intervention Reports, (as described in Crisis Intervention Team Response GPO 5.11.03) and CIT stat sheets are completed in their entirety and that the CIT Stat Sheets are timely forwarded to the ADAMHS Board for appropriate follow up and reporting purposes in partnership with the MHRAC.

III. CIT Plan

- A. The goal of the CIT plan is to ensure that a specialized CIT officer is available to respond to all incidents that appear to involve an individual in crisis.
- B. The CIT plan shall include:
 1. An assessment of the number of officers necessary to respond to all crisis incidents;
 2. Identification of gaps in coverage of crisis incidents;
 3. Mechanisms to fill those gaps;
 4. Identification of barriers to ensuring full coverage and steps to overcome those barriers; and
 5. Ways of identifying and recruiting qualified Specialized CIT officers.

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IV. Mental Health Response Advisory Committee (MHRAC)

A. The MHRAC is a collaborative partner in the behavioral health field to advise CDP with improving the CIT through reform and problem solving to create sustainable change when interacting with individuals in crisis.

B. The MHRAC was developed to foster relationships and build support between CDP, mental health providers, and the greater Cleveland community. The MHRAC will accomplish these goals by:

1. Identifying problems and developing solutions designed to improve outcomes for individuals in crisis;
2. Providing guidance to assist CDP in improving, expanding, and sustaining its CIT program;
3. Advising CDP of best practices in the field of crisis intervention;
4. Recommending appropriate changes to CDP's policies, procedures, and training;
5. Facilitating and coordinating training for the 40-hour Specialized CIT officer program and crisis intervention telecommunicators training to dispatchers including on-site visitation to behavioral health facilities;
6. Assisting CDP in facilitating CDP's annual in-service crisis intervention training;
7. Assisting, when feasible, with instructing and coordinating other crisis-related training with CDP and the community;
8. Assisting CDP with conducting a yearly analysis of crisis incidents to determine appropriate changes in the CIT Program such as the need for more Specialized CIT officers and whether they are deploying and responding effectively to individuals in crisis;
9. Identifying behavioral health and other appropriate social service supports in the community that can serve as accessible resources to CDP in efforts to assist those in crisis.

C. The CDP with the assistance of the MHRAC will use outcome data from the CIT Stat Sheet and Crisis Intervention Report to:

1. Identify training needs and develop case studies and teaching scenarios for all crisis intervention training;
2. Make changes to the crisis training curriculum;
3. Identify safety issues and trends;
4. Develop new response strategies for repeat calls for service;

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5. Recognize successful officer interactions and performance; and
6. Identify systemic issues that impede CDP's ability to provide an appropriate response to an incident involving an individual in crisis.

V. Specialized Crisis Intervention Team Officers

A. The most integral part of the CIT Program is the Specialized CIT officer. Specialized CIT officers respond to the everyday crisis intervention calls and are the catalyst in the intervention process. These voluntary officers are critical in changing the way crisis incidents are handled.

1. Specialized CIT officers shall have the primary responsibility for handling a crisis incident when on scene, unless a supervisor has assumed responsibility.
2. Specialized CIT officers are encouraged to provide input to the CIT Coordinator to maintain a sustainable and effective CIT Program.
3. Specialized CIT officers shall:
 - a. Be voluntary;
 - b. Have a minimum of three years of experience in basic patrol;
 - c. Handle all crisis incidents assigned or self-identified while also handling standard patrol duties;
 - d. Be willing to divert individuals in crisis away from the justice system, feasible;
 - e. Treat individuals in crisis in a fair and unbiased manner;
 - f. Foster relationships with the MHRAC and other mental health and social service agencies;
 - g. Wear a CDP-issued marker identifying them as a Specialized CIT officer;
 - h. Participate in community engagement, awareness, and education.
4. Application and Assessment of Specialized CIT Officers
 - a. CDP will assess each officer applicant to determine his/her fitness to serve as a Specialized CIT Officer.
 - b. The assessment will include an in-person interview and an examination of the officer's:
 1. Written application;

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2. Supervisory recommendations;
3. Past crisis intervention reports;
4. Personnel file to include awards, commendations, and disciplinary history; and
5. Office of Professional Standards complaint history.

VI. CIT Training

- A. Specialized CIT officers shall initially receive a minimum of 40 hours of enhanced crisis intervention training and a minimum of 8 hours of annual in-service crisis intervention training.
- B. The enhanced 40-hour crisis intervention training shall consist of:
 1. How to conduct field evaluations;
 2. Suicide interventions;
 3. Community mental health resources;
 4. Common mental health and developmental disability diagnoses;
 5. Effects of drug and alcohol use;
 6. Rights of persons with mental illness and disabilities, including the law as it relates to these rights;
 7. Crisis de-escalation;
 8. Civil commitment criteria;
 9. Scenario-based exercises;
 10. On-site visitation to mental health and substance abuse facilities;
 11. Understanding age-appropriate responses in handling juveniles with mental illness; and
 12. Perspectives of individuals with mental health issues and their family members.
- C. All CDP officers shall receive 8 hours of annual in-service crisis intervention training that is adequate in quality, type, and scope. The annual training shall consist of:
 1. Circumstances when a Specialized CIT officer shall be dispatched or consulted;

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2. How to handle a crisis incident if a Specialized CIT officer is not immediately available;

3. Updates on mental health issues.

D. All recruits shall receive at least 16 hours of training in the Academy that meets the Ohio Police Officer Training Academy requirements.



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: January 1, 2018	CHAPTER: 5 - Field Investigations	PAGE: 1 of 12	NUMBER: 5.11.03
SUBJECT: CRISIS INTERVENTION TEAM RESPONSE			
CHIEF: <i>Calvin D. Williams, Chief</i>			

PURPOSE: To establish guidelines for the Cleveland Division of Police (CDP) to interact with individuals who are suffering from a crisis by promoting community solutions to assist individuals in crisis, diverting those individuals away from the criminal justice system and improving the safety of officers and the Cleveland community.

POLICY: The Division shall handle encounters with individuals in crisis in a manner that promotes the dignity of all people while reflecting the values of protection and safety. Individuals in crisis may require heightened sensitivity and additional special consideration. Officers should use reasonable precautions to avoid a violent encounter with individuals in crisis by de-escalating the situation and making every effort to preserve the safety of officers, the individual, and the general public with the goal of having a peaceful resolution of the crisis and connecting the individual to the appropriate community resources for a sustainable recovery.

PROCEDURES:

I. Communications Control Section (CCS) Responsibilities

- A. Communications Control Section (CCS) dispatchers shall, when available, dispatch a Specialized CIT Officer to known, or possible, crisis incidents. When a Specialized CIT officer is not available, these assignments shall be dispatched to the first available 2-person zone car and a Specialized CIT Officer shall be dispatched as soon as possible.
- B. Calls that appear to involve an individual in crisis shall be dispatched immediately.
- C. If a Specialized CIT Officer is on a low priority call, he/she shall be re-assigned to the crisis incident.
- D. Upon request, Specialized CIT Officers may be utilized in another district with permission from the officer's sector supervisor.
- E. Dispatchers shall advise officers if the subject is in crisis and/or a juvenile, if known.

II. Officer Responsibilities

- A. When responding to individuals in crisis, officers shall:
 - 1. Assess risks to selves and others to determine the course of action.
 - 2. Assess the situation to determine whether the individual may be in crisis, and if so, request a Specialized CIT Officer if one is not on scene.

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3. Request Emergency Medical Service (EMS), if medical intervention is required.
4. Treat each crisis as unique.
5. Consider the possibility that the individual may be non-compliant due to:
 - a. The influence of medication, street drugs and/or alcohol;
 - b. Known or reasonably apparent mental illness, developmental disability, or behavioral crisis incident;
 - c. Known or reasonably apparent physical disability or other medical or physical condition, including visual or hearing impairment;
 - d. Limited English proficiency or other language or cultural barrier;
6. Determine if an on-scene family member/friend can provide information to assist in interacting with the individual in crisis.
7. Continue to assess the situation for escalating risk and de-escalate, when possible.

III. Specialized CIT Officer Responsibilities

- A. In addition to officer responsibilities when responding to an individual in crisis, Specialized CIT Officers shall:
 1. Be aware that individuals may recognize the CIT pin and respond positively to the Specialized CIT Officer;
 2. Introduce yourself as a Specialized CIT Officer;
 3. Take primary responsibility for handling a crisis incident when on scene or dispatched to a crisis incident;
 4. Continue de-escalation techniques and identify resolutions to the crisis;
 5. Once the incident is under control, inform the individual in crisis of the next steps;
 6. When feasible, refer individuals to a mental health and/or social service agency if the individual is not being conveyed to a facility. (see Section XVI below for options)
 7. Use discretion to direct individuals in crisis to the health care system, rather than the criminal justice system, in those instances where it is appropriate to do so.
 - a. Individuals in crisis who are being charged with a felony or an escalating misdemeanor shall be arrested.

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- b. Individuals in crisis who are being charged with a misdemeanor or minor misdemeanor may be issued a summons or made a named suspect in lieu of arrest.

IV. Responding to Juveniles in Crisis

- A. Officers responding to a crisis intervention incident who find that a juvenile is in need of psychiatric care (whether or not under arrest) shall:
 - 8. Attempt to de-escalate in a manner that reflects an age-appropriate approach. In addition to guidance in Section V., age-appropriate techniques include:
 - a. Presence: Recognizing that the mere physical presence of an officer can be intimidating and threatening to youth.
 - b. Verbalization: Youth generally respond to a calmer tone and voice level and affirmative, rather than negative commands.
 - 9. Contact Child Response Team of Mobile Crisis (CRT), 216-623-6888.
 - 10. Present the CRT with a list of the juvenile's symptoms.
- B. CRT can advise officers in finding the most appropriate level of care and if needed, an appropriate facility.
- C. The CRT staff members may be able to respond to assist with the incident. However, CDP will retain control of the scene.

V. Crisis Incident De-escalation (Refer to De-escalation GPO 2.01.02)

- A. Officers shall attempt to use verbal de-escalation techniques throughout the encounter, including but not limited to the following:
 - 1. Introduce yourself and seek to establish a rapport;
 - 2. Only one officer should speak to minimize confusion;
 - 3. Speak in a slow, calm, non-threatening voice and use non-intimidating body language;
 - 4. Ask questions to elicit information rather than issue orders or advice:
 - a. How can we help you?
 - 5. Active listening - Paraphrase what the individual has expressed, e.g.:
 - a. "What I hear you saying is..."

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- b. "If I understand you right..."
 - 6. Demonstrate empathy, concern, respect and a better understanding of the situation;
 - 7. Repeat instructions, keeping them simple and concrete;
 - 8. Keep the individual focused;
 - 9. Use engaged body language:
 - a. Eye contact;
 - b. Facing the individual;
 - c. Avoid attending to distractions.
- B. Officers shall attempt to use tactical de-escalation techniques throughout the encounter, including but not limited to the following:
 - 1. Wait out the individual;
 - 2. Exhibit patience and non-confrontational body language, avoid power struggles;
 - 3. Move slowly, being careful not to excite the individual;
 - 4. Create distance between officers and possible threats;
 - 5. Request additional resources such as mental health providers or negotiators if needed;
 - 6. Remove distractions, upsetting influences and disruptive citizens from the scene;
 - 7. Prepare for lengthy interaction;
 - 8. Do not rush the scene, take the time to contain and stabilize the scene;
 - 9. Avoid physical confrontation unless immediately necessary to protect someone or stop behavior that creates an imminent threat.

VI. Use of Force (Refer to Use of Force: General GPO 2:01.03)

- A. Officers shall only use that force which is necessary, proportional to the level of resistance, and objectively reasonable based on the totality of the circumstances confronting the officer.
- B. Force is NOT to be used for expediency.

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- C. If the individual is lying in a horizontal position after a use of force and/or handcuffing, move the individual to a sitting or upright position to avoid positional asphyxiation;
- D. Officers shall reinstate de-escalation techniques after handcuffing and/or use of force if appropriate.

VII. Handcuffing

- A. Officers may, when it is objectively reasonable, use handcuffs on individuals, including juveniles, who are in custody, including custody solely for the purpose of psychiatric evaluation.
 - 1. Officers shall consider the totality of the circumstances when determining whether to use handcuffs, as handcuffs may trigger a traumatic response. These factors include but are not limited to the following factors:
 - a. The severity of the crime(s) at issue
 - b. The age of the subject
 - c. The risk of harm to the subject or others
 - d. The subject's efforts to escape
 - 2. Use of handcuffs shall be explained to the individual being handcuffed and to the parent/family member in a tactful manner, using age-appropriate language for juveniles.
- B. Once the individual in crisis is calm, under control and/or handcuffed, officers shall keep the individual under constant observation while in custody.

VIII. Diversion Options and Transportation

- A. After an officer has control of the scene, the officer, with the input of the supervisor, if requested, and the family, if on-scene, shall assess and determine the next step to assist the individual in receiving the care needed. The officer shall consider the following:
 - 1. Is there a legal obligation to arrest, or is diversion an option?
 - 2. Does the individual need hospitalization or referral to a mental health or social service agency? (See Attachments C-G)
- B. Officers may seek assistance from the Mobile Crisis Team (MCT), a 24-hour mental health hotline, to determine what type of response is needed for the individual in crisis.
 - 1. The officer shall provide a list of the symptoms to the mental health care worker to help determine the assistance needed.
 - 2. The contact number is the same for both MCT and CRT, 216-623-6888.

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- C. Officers shall continuously inform the individual and their family, if on-scene, of the steps being taken in assisting the individual to a treatment facility, making referrals, and providing contact numbers, or if an arrest is necessary.
- D. Officers shall make the following determination:

1. If a non-violent individual has the ability to seek care voluntarily on their own then the officers shall:
 - a. Provide the individual, and family member if on scene, with a name of a referral agency and phone number or address to assist them;
 - b. Notify the referral agency and advise the agency of the referral; and,
 - c. Complete an incident report, including "Crisis Intervention" in the title, and complete a CIT Stat Sheet (see Attachment A).
2. If a non-violent individual has the ability to seek care voluntarily but needs immediate care, the officers shall:
 - a. Determine options for emergency care and transport or arrange transportation of the individual in a safe manner to the appropriate facility; and
 - b. Complete an incident report, including "Crisis Intervention" in the title, and complete a CIT Stat Sheet.
3. If the individual requires immediate treatment but is unwilling or unable to seek treatment voluntarily, and is possibly violent, officers shall:
 - a. Determine options for emergency care and transport, to include EMS and provide or arrange safe transportation to the facility; (See Emergency Admissions Section X);
 - b. If the individual is violent, call EMS to transport the individual; and,
 - c. Complete an incident report, including "Crisis Intervention" in the title, and a complete CIT Stat Sheet.

E. Transporting violent individuals

1. CDP officers are responsible for securing the individual onto the EMS cot with the supervision/assistance of EMS.
2. When an individual is secured, a CDP officer (preferably a Specialized CIT Officer) shall ride in the back of the EMS unit to the hospital. The other officer will follow EMS to the hospital in the zone car.

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- F. If an officer determines that the individual in crisis must be arrested, the arrested individual shall be treated at a secure mental health facility and upon being released, handcuffed and conveyed to the Central Prison Unit (CPU) via the zone car. Prisoners shall remain the responsibility of CDP until booked at CPU.
- G. Where the subject of an arrest is a parent or guardian, and the children are present, the officer should make every effort to attend to the child, explain what is happening in age-appropriate language, and identify another adult or caretaker who can assist the child if the parent is detained.
- H. If the individual to be conveyed is a juvenile:
 - 1. Juveniles shall not be transported to adult psychiatric hospitals or adult mental health facilities;
 - 2. Juveniles under 14 may be transported for voluntary treatment only if a parent/guardian consents;
 - 3. If the juvenile's parent/guardian is not on scene, the officer shall take immediate steps to notify the parent/guardian of the incident and the next steps.

IX. Supervisor Responsibilities

- A. Indicate on the daily roster which cars have Specialized CIT Officers when faxing the daily log to CCS following roll call.
- B. If a supervisor has assumed responsibility for the scene, and a Specialized CIT Officer is on scene, the supervisor shall seek the input of the Specialized CIT Officer regarding strategies for resolving the crisis, where it is reasonable for them to do so.
- C. Respond to CIT calls when requested by patrol personnel to assist in resolving crisis situations and conducting appropriate investigations such as use of force or injury to a police officer.
- D. Request additional resources as necessary. Having a Specialized CIT Officer on scene does not negate the procedures for SWAT, Crisis Negotiation Team (CNT), or the Bomb Squad.
- E. Ensure the appropriate reports (e.g., Crisis Intervention, crime report), and the CIT Stat Sheet are completed and forwarded to the appropriate locations.

X. Law Enforcement Emergency Admissions

- A. Under Sec. 5122.10 of the Ohio Revised Code, Emergency Hospitalization, a police officer has authority to take a mentally ill person subject to court order, as defined by ORC 5122.01(B), and described below in Section X.B, into custody involuntarily and immediately transport the person to a facility for a mental health evaluation when the individual represents a substantial risk of physical harm to self or others if allowed to

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remain at liberty pending examination.

B. Conveying officers shall complete a written statement under ORC §122.10 (pink slip; See Attachment B) explaining the circumstances under which the individual was taken into custody. The pink slip will also state the reasons for the emergency admission, including at least one of the following circumstances, which define "mentally ill person subject to a court order":

- a. The individual represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicides or serious self-inflicted bodily harm;
- b. The individual represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;
- c. The individual represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community;
- d. The individual would benefit from treatment for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person.

C. Officers shall stabilize any dangerous or potentially dangerous situation, and take the individual in crisis into custody, using handcuffs if necessary, in accordance with Handcuffing, Section VII.A.

1. Pursuant to Section 5122.10 of the Ohio Revised Code, officers shall make "every reasonable and appropriate effort..." to take individuals into custody in the least conspicuous manner possible.
2. The officer taking an individual into custody pursuant to this Section shall convey the following to the individual:
 - a. The officer's name and rank
 - b. The custody-taking is not a criminal arrest
 - c. The individual is being taken for examination by mental health professionals at a specified mental health facility identified by name.

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3. If the individual is suffering from serious physical injury or illness, including drug overdose, officers shall, based on the circumstances surrounding the incident, call for EMS or convey the individual to the nearest hospital. The hospital is responsible for transporting individuals, not under arrest, for psychiatric evaluation after medical treatment.

- D. Officers shall search individuals before bringing them to a mental health facility.

XI. Health Authority Emergency Admission

- A. Any authorizing professional (e.g., psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer) may also take an individual into custody for an emergency mental health evaluation.
- B. The officer shall be given a completed pink slip by the authorizing professional stating the circumstances under which the individual was taken into custody and the reasons for the emergency admission.
- C. The officer shall ensure that the authorizing professional has confirmed with the specified facility that the individual will be accepted and that the authorizing professional has provided the following information to the individual per ORC 5122.10:
 1. The authorizing professional's name, professional designation, and affiliation;
 2. That the custody-taking is not a criminal arrest;
 3. That the individual is being taken for an examination at a specified mental health facility.
- D. An officer who is presented with a pink slip signed by an authorized professional shall transport the non-violent individual in crisis to the designated facility for further evaluation.

XII. Probate Warrants

- A. Officers shall execute Temporary Orders of Detention (Probate Warrant) as required by ORC 5122.11, Judicial Hospitalization. In this instance, the court has already adjudicated that probable cause exists to believe that an individual is a person with mental illness subject to court order and officers need not independently verify that the individual named in the warrant is a threat to themselves or others. Every reasonable effort will be made to execute the order in a timely manner.
- B. Supervisors shall ensure that Specialized CIT officers serve the Probate Warrant.
- C. Specialized CIT Officers serving the probate warrant shall execute the warrant as if handling a crisis intervention assignment using de-escalation, active listening, and only the force necessary to place the individual in temporary GDP custody.

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- D. Specialized CIT Officers shall search an individual taken into custody and transport the individual to the hospital named in the order for admission or if needed, contact EMS to convey.
- E. Specialized CIT Officers shall sign the warrant and return it to the officer-in-charge.
- F. Specialized CIT Officers shall follow the same protocols regarding searches, as described in Section X.D, and handcuffing in Section VII.

XIII. Absence Without Leave (AWOL)

- A. In appropriate circumstances, officers shall return individuals who are AWOL from in-patient psychiatric facilities or individuals who are on a trial home visit.
- B. Officers shall contact the hospital by telephone or CCS to confirm acceptance of the individual before returning the person. If the hospital will not accept the AWOL patient, officers shall determine if the individual needs psychiatric evaluation. Officers may contact MCT to assist with assessing the treatment needs of the individual.
- C. If officers have an AWOL patient from a non-local hospital, officers may contact MCT to assist with assessing the treatment needs of the individual.
- D. If a sponsor or family member, of a patient on a trial visit, requests return of the patient, officers shall contact the hospital from which the patient is released to determine the proper action. Officers shall transport the individual to the appropriate local facility.

XIV. Requests for Assistance at Shelters or Mental Health Agencies

- A. Officers shall respond and stabilize the situation by taking the necessary action to ensure the safety and security of all individuals. If officers need to consult with MCT, officers shall do so after the situation at the shelter has been stabilized.
- B. Officers shall ask staff members to inform them of arrangements they have made to resolve the situation. If the arrangements include transport to another facility, the officers shall make the transport.

XV. Incident Reports with "Crisis Intervention" in the title and CIT Stat Sheet

- A. An incident report, including "Crisis Intervention" in the title and a CIT Stat Sheet shall be completed whenever officers respond to an individual in crisis.
 - 1. Even if an individual is not transported to a mental health facility or arrested, an incident report titled "Crisis Intervention" and CIT Stat Sheet are required.
 - 2. If a Specialized CIT Officer is on scene, that officer shall complete the incident report and CIT Stat Sheet.
 - 3. If no Specialized CIT Officer is on scene, the incident report and CIT Stat Sheet

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shall be completed by another officer on scene.

B. These reports may assist officers in the future by providing:

1. Documentation about all previous contacts with this individual;
2. Previously successful and unsuccessful intervention tactics, including referrals or resources provided; and
3. Documenting potential need for additional Specialized CIT Officers, training, etc.

C. Incident Reports with "Crisis Intervention" in the title shall be completed in their entirety and include:

1. The individual in crisis as the victim;
2. The officer(s) as the reporting person(s);
3. The name and address of the person calling for service;
4. The reason for the interaction, i.e., crisis event, call for assistance, or suspected criminal conduct;
5. A description of successful and unsuccessful intervention tactics, techniques, or tools used;
6. List resources the individual is familiar with;
7. Specialized police units on scene, i.e., SWAT, Crisis Negotiation Team;
8. Results/disposition of intervention, i.e. arrest, hospitalization, citation;
9. Any injuries to officers, the individual in crisis or others involved on scene;
10. The hospital the individual was taken to and the name of the treating physician, if applicable.

D. CIT Stat Sheets shall be completed in their entirety, scanned and e-mailed to the CIT Coordinator at CIT@city.cleveland.oh.us. The original shall be sent via inter-office mail to the CIT Coordinator at the Cleveland Police Headquarters Room 670.

XVI. Referral Options

- A. Referral options for behavioral health and social service agencies, veteran and homeless resources, child and adolescent services, and hospital systems are provided on the Resource Cards (Attachments C-G).
- B. If an officer learns of a new agency that can be used as a resource, the officer shall notify

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the CIT Coordinator via e-mail and advise of the agency name, the resources that can be provided, and the address and phone number of the agency. The CIT Coordinator shall add this information to the Resource Cards and send it to Alcohol, Drug, & Mental Health Services.

CDW/jp
Crisis Intervention Unit
Attachments A-G

CLEVELAND DIVISION OF POLICE / CRISIS INTERVENTION MENTAL HEALTH/AOD STATISTIC SHEET

Date: _____ Time: _____ Incident type: _____

Incident # _____ Location: _____

Requested by: ☐ CCS ☐ Z/C ☐ Family ☐ Case Worker ☐ Fire/EMS

SUBJECT

Name/Address: _____

Gender: _____ Race/ethnicity: _____ DOB: _____ SSN: (Last 4) _____

Best means of contact/locating: _____

PLEASE CHECK ALL THAT APPLY:

☐ Mental Illness ☐ Alcohol/Drug ☐ Developmental Disability ☐ Homeless ☐ Veteran

Was the subject armed? ☐ Yes ☐ No Type of weapon: _____

☐ Injury to Subject ☐ Injury to Officers ☐ Injury to others

TOOLS/TECHNIQUES USED: (check all that apply)

☐ Verbal De-escalation/Crisis Intervention techniques

☐ Use of Force: ☐ Pain compliance ☐ Take Down ☐ Handcuffs

☐ ASP ☐ OC Spray ☐ Taser ☐ Other: _____

☐ CIT notified ☐ Incident Report Completed

DISPOSITION: (check all that apply)

☐ Complaint Unfounded ☐ Information received / advised ☐ Citation issued

☐ Subject/Incident stabilized requiring no further action ☐ Confer w/Mobile Crisis

☐ Subject referred for additional support at: _____

☐ Conveyed/Transported to (Facility) _____ ☐ By: _____

☐ Voluntary ☐ Involuntary ☐ Probate Warrant ☐ Pink Slipped

☐ EMS On Scene? Unit # _____ ☐ Arrested Charge _____

Name/Address of caller: _____

☐ Point of Contact (Case worker, Dr., etc.) _____

☐ Reason for interaction: _____

Any concerns (safety) whatsoever, for this subject (or) address: _____

☐ CCS Advised

Supervisor on scene: ☐ Yes ☐ No Name/Badge # _____

Officer(s): Name / Badge # _____ CIT certified ☐

Name / Badge # _____ CIT certified ☐

APPLICATION FOR EMERGENCY ADMISSION

In Accordance With Sections 5122.01 and 5122.10 ORC

TO: Hospital or Community Mental Health Agency

(Behavioral Healthcare Organization - BHO/Facility Name)

(Date)

The undersigned has reason to believe that:

(Name of Person to be Admitted)

1. Is a mentally ill person subject to hospitalization by court order under division B of Section 5122.01 of the Revised Code, i.e., this person (check all that apply)

- ☐ (1) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;
- ☐ (2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;
- ☐ (3) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community;
- ☐ (4) Would benefit from treatment in a hospital for his mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or himself.

2. Represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination.

Therefore, it is requested that said person be admitted to the above named facility.

STATEMENT OF BELIEF

Must be filled out by one of the following: a psychiatrist, licensed clinical psychologist, licensed physician, health or police officer, sheriff, deputy sheriff, or probation officer with his/her judge's approval.

(Statement shall include the circumstances under which the individual was taken into custody and the reason; facts, observations for the person's belief that hospitalization is necessary. The statement shall also include a reference to efforts made to secure the individual's property at his residence if he was taken into custody there. Every reasonable and appropriate effort should be made to take this person into custody in the least conspicuous manner possible.)

APPLICATION FOR EMERGENCY ADMISSION

In Accordance with Section 5122.10 ORC

Name of Person to be Admitted _____

STATEMENT OF BELIEF (continued)

Signature _____	
Title/Position/Badge or License No. _____	Place of Employment _____

STATEMENT OF OBSERVATION BY PSYCHIATRIST, LICENSED PHYSICIAN, OR LICENSED CLINICAL PSYCHOLOGIST, IF APPLICABLE

Place of Observation (e.g., community mental health center, general hospital, office, emergency facility)

Signature _____	Title _____
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Approved ☐ Yes ☐ No	Signature of Chief Clinical Officer _____	Date _____
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Emergency Behavioral Health Resources

The following resources are available 24/7 for emergency situations that might require the assistance of mental health, addiction, or other non-law

24/7

Emergency Crisis Services

(216) 623-6888

Mobile Crisis, Suicide Hotline, Children Who Witness Violence, Traumatic Loss Response Team

Rape & Sexual Assault

(216) 619-6192

Cleveland Rape Crisis Center Crisis Hotline

Psychiatric Emergency

24-hour emergency psychiatric departments

(216) 636-2538

St. Vincent's Psychiatric Emergency Department

2351 East 22nd Street

(216) 791-3800

Louis Stokes VA Medical Center's Psychiatric Emergency Department

10701 East Boulevard

United Way's Help Center

Dial 211

One-stop, comprehensive information about social, health, and government resources.

Homeless Services

EVERYONE on weekdays from 8:00 AM to 5:00 PM

Everyone: Solo Central Intake at Frontline Service for men, women, & families.

Central Intake @ Frontline (216) 674-5700, 1736 Superior Ave., 2nd Fl. Mon to Fri 8:00 AM to 5:00 PM

Mon-Wednesdays after 5:00 PM on weekdays on weekdays

Mon: Go to the 2100 Lakeside Ave. Shelter, located at 2100 Lakeside Avenue, Cleveland 44103.

Women: Go to the Women's Shelter, located at 2222 Erie Avenue, Cleveland 44114.

Families: Call 211 - They will connect you with a place to stay.

CDP Faith-Based Support

(216) 623-5723

Call the CDP Communications Team and request a Chaplain's help



Updated 1/17/2018 by the National Health & Addiction Advocacy Coalition, Spirit's Word, Faith & Recovery of the City of Cleveland. For more resources, visit the mhac website: www.mhac.org

Community Behavioral Health Resources

CDP District 1—Treatment, Services, & Residential Locations

First District Community-Police Relations Committee

First Thursday of each month | 7 PM to 8 PM
St. Ignace of Antioch Church | 10205 Lorain Avenue | CLE 44111

Behavioral Health Resources

Green: mental health treatment at this site
Blue: addiction treatment at this site
Purple: mental health and addiction treatment at this site

Appelwood Centers, Inc. | Murrie Taylor | West Side
Garson School | 3500 Detroit Avenue
Children's Aid Society | T: (216) 283-4400
Campus | Options for Families & Youth
10427 Detroit Avenue
T: (216) 694-7200
T: (216) 521-6511

The Centers for Families & Children | West
3929 Rocky River Drive
T: (216) 432-7300 Ext. 225
T: (216) 431-5600

Positive Education Program | Hopewell School
11500 Franklin Boulevard
T: (216) 227-2730

Emerald Development & Economic Network, Inc. (EDEN)
7812 Madison Avenue
T: (216) 981-9690

Future Directions
15111 Lorain Road
216-251-8266

Veterans Resources

CALL LINES

Veterans Crisis Hotline
T: 1-800-278-8265 x1
Text: 8338355

Combat Veterans Hotline
T: 1-877-927-8387

Veteran's WARM Line
T: 1-877-838-2832

VA Call Center for Homeless Veterans
T: 1-877-424-3838

VET CENTERS

Louis Stokes Cleveland VA Medical Center—Parma Outpatient Clinic
T: (216) 738-7000
8787 Brookpark Road
Parma 44129
8 AM—4:30 PM

Louis Stokes Cleveland VA Medical Center—McCafterty Outpatient Clinic
T: (216) 939-0699
4242 Lorain Avenue
CLE 44113
8 AM—4:30 PM

Parma Vet Center
T: (440) 845-6023
5700 Pearl Road, Ste. 102
Parma 44129
Mon-Fri: 8 AM—4:30 PM
T-Th: 8 AM—7 PM

Cuyahoga County Veterans Service Commission
T: (216) 698-2600
849 Prospect Avenue
CLE 44115
8 AM—4 PM

National Alliance for Mental Illness (NAMI)

Non-crisis information, Education, & Referrals
(216) 875-7778
Mon-Fri 10 AM—6 PM
Sat 10 AM—5 PM
Sun 12 PM—5 PM

NAMI's National Line
(800) 950-NAMI (6264)
Mon-Fri 10 AM—6 PM
Sat 10 AM—5 PM
Sun 12 PM—5 PM

GPO 1.07.08
BIAS-FREE POLICING



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: FEBRUARY 9, 2018	CHAPTER: 1 - Administrative	PAGE: 1 of 5	NUMBER: 1.07.08
SUBJECT: BIAS-FREE POLICING			
CHIEF: <i>Calvin D. Williams, Chief</i>			

PURPOSE: To provide guidance to ensure that police services are delivered equitably, respectfully, and free of bias in a manner that promotes broad community engagement, trust, and confidence in the Cleveland Division of Police.

POLICY: The Cleveland Division of Police is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair and equitable manner based on mutual trust and respect with Cleveland's diverse groups and communities. Bias-based policing is strictly prohibited. Bias-based policing degrades the public's confidence in the Division and is detrimental to effective law enforcement because it fosters distrust in the community and undermines the Division's ability to enforce the law.

The Division will integrate bias-free policing principles into its management, policies and procedures, job descriptions, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.

DEFINITIONS:

Bias-Based Policing: When a CDP member takes a law enforcement action or makes a decision to provide or not provide police services, and that action or decision is motivated by discrimination on the basis of an individual's demographic category.

Bias-Free Policing: Policing that is accomplished without the selective enforcement or non-enforcement of the law, including the selection or rejection of particular policing tactics or strategies, based on the subject's membership in a demographic category. Bias-free policing is free of discriminatory effect as well as discriminatory intent.

Demographic Category: Race, ethnicity, national origin, age, gender, gender expression or identity, sexual orientation, disability, religion or limited English proficiency.

Implicit Bias: Attitudes that affect understanding, actions, and decisions in an unconscious and unintentional manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control.

Investigatory Stop or Investigatory Detention: A temporary restraint, based upon reasonable suspicion, where the subject of the stop or detention reasonably believes that he or she is not free to leave within the meaning of *Terry v. Ohio*. An investigatory stop or detention may be a pedestrian, vehicle or bicycle stop.

Office of Professional Standards (OPS): The city entity responsible for the intake and investigation of civilian allegations of officer misconduct.

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Probable Cause: Facts and circumstances which would support a reasonable belief that a crime has been committed and that the person to be arrested committed the crime. Probable cause involves an examination of all the facts and circumstances known to the member at the time of an event.

Procedural Justice: Four central principles designed to build public confidence in the police: by 1) treating people with dignity and respect; 2) giving individuals a chance to be heard during encounters; 3) making decisions fairly and transparently, based on facts; 4) conveying goodwill and trustworthiness.

Reasonable Suspicion: The standard of proof necessary for a police officer to engage in a temporary investigatory detention of an individual. While reasonable suspicion is a lesser standard than probable cause, it must be supported by specific and articulable facts for suspecting a person of criminal conduct.

PROCEDURES:

I. Guidelines for Bias-Free Policing

A. Members shall:

1. Treat everyone with courtesy, professionalism, dignity, respect, and equality;
2. Make all decisions related to law enforcement activities based upon observed behavior, reasonable suspicion, and/or probable cause;
3. Ensure bias-free encounters by relying on information that is accurate, specific, and free from bias while developing reasonable suspicion and/or probable cause;
4. Conduct law enforcement activities, including any decision to engage in an investigatory stop or investigatory detention of a motorist or pedestrian, without discrimination on the basis of an individual's demographic category;
5. Interact with the public using the principles of procedural justice. Examples of this type of interaction include but are not limited to the following:
 - a. When safe and feasible, slow situations down and gather more information in order to minimize any possible effects of implicit or unintentional bias;
 - b. Introducing yourself and stating the reason for the interaction, as soon as practical, unless providing this information will compromise officer or public safety or impede an ongoing investigation;
 - c. Ensuring that detentions are no longer in duration than is lawfully necessary;
 - d. Wherever time and circumstances permit, explaining what the member is doing and why;
 - e. Wherever time and circumstances permit, listening to the individual and answering any reasonable questions that the individual has relating to the interaction;

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f. Providing individuals with the member's name, rank, and badge number when asked.

6. Provide OPS complaint forms to individuals upon request.

B. Members shall not:

1. Engage in, ignore or condone bias-based policing;

2. Use harassing, intimidating or derogatory language verbally, in writing, or by gesture concerning any demographic category;

3. Determine reasonable suspicion or probable cause based upon a demographic category, except when the characteristic is part of an actual and credible description of a specific suspect in an investigation that includes other identifying factors;

4. Determine reasonable suspicion or probable cause based only on an individual's criminal history;

5. Delay or deny police services based on an individual's demographic category.

II. Reporting Bias-Based Policing

A. If an individual indicates to a member that they would like to make a complaint about bias-based policing, the member shall:

1. Immediately request their supervisor respond to the scene;

2. Explain to the individual that a supervisor will be responding. Members may not extend detention solely to await the arrival of a supervisor;

3. Remain at the location until the supervisor arrives, unless the supervisor has communicated that he or she is unable to respond to the scene;

4. If the individual does not want to wait for the supervisor to arrive or the supervisor is unable to respond, the member shall explain the option to file a complaint with the OPS and provide a complaint form to the individual. (See GPO 1.07.04 Public Complaints of Police Misconduct.)

B. Supervisors shall respond to the scene in which an individual indicates to a member that they would like to make a complaint about bias-based policing. Upon arrival the supervisor shall:

1. Address the concern in accordance with the procedures for responding to misconduct complaints, and at a minimum conduct a preliminary investigation of the complaint in order to preserve key evidence and identify/interview potential witnesses (See GPO 1.07.04.);

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2. If the individual has left the scene before the supervisor's arrival, make attempts to contact the individual by the end of their tour of duty;
 3. Provide the individual a copy of the completed OPS complaint form if the individual completes the form on scene or a blank complaint form if the individual wishes to complete the form at a later time;
 4. Refer the individual to OPS; and
 5. If the supervisor believes that an internal complaint should be generated, he or she shall report internal complaint information to the Internal Affairs Unit in accordance with GPO 1.07.05 Reporting Internal Misconduct and shall notify the individual of such.
- C. Members who are aware of or who have observed bias-based policing shall report the incident, as soon as practicable but no later than the end of the member's tour of duty in which they observed or became aware of the incident, to a supervisor or directly to the Internal Affairs Unit.
- D. Members shall not discourage any individual from filing a formal complaint.
- E. Any member or individual who provides, files, or investigates information about incidents shall be protected from retaliation, discouragement, intimidation, coercion or adverse action. (See GPO 1.07.09 Retaliation Prohibited.)
- F. No member shall retaliate against, discourage, intimidate, coerce, take an adverse action, or attempt to take any such action against any person, including other members of CDP, who has initiated or provided information or testimony related to an investigation, prosecution, OPS complaint, litigation, and/or administrative hearings or processes, because of such person's participation as a victim, witness, investigator, decision-maker, or reviewer. (See GPO 1.07.09.)

III. Discipline

- A. Members who engage in, ignore or condone bias-based policing shall be subject to discipline.
- B. Members who fail to report observed or alleged bias-based policing shall be subject to discipline.
- C. Supervisors who fail to address complaints of bias-based policing will be subject to discipline.

IV. Training

- A. Members shall receive annual in-service training on bias-free policing that is adequate in quality, quantity, type, and scope including but not limited to implicit bias, procedural justice, constitutional and legal requirements, and cultural competency.

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- B. Supervisors shall receive special training that is adequate in quality, quantity, type, and scope, including but not limited to, training on how to identify biased police practices; respond to and evaluate complaints of biased policing, and supervisors' responsibilities ensuring that CDP members engage in bias-free policing.

GPO 2.3.08

INVESTIGATIVE STOPS



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: AUGUST 16, 2002	REVISED DATE:	NO. PAGES: 1 of 6	NUMBER: 2.3.08
SUBJECT: INVESTIGATIVE STOPS			
ASSOCIATED MANUAL:		RELATED ORDERS: 8.2.07	
CHIEF OF POLICE: Edward F. Lahn, Chief			

PURPOSE: To establish Cleveland Division of Police guidelines for carrying out field interrogations also known as Terry Stops.

POLICY: It is the policy of the Division of Police that field interrogations will be conducted in a manner that not only promotes the safety of police officers and the public, but also affords the individuals stopped of their basic constitutional rights established by the constitutions of the United States and the State of Ohio.

PROCEDURES:

I. Investigative Stops

- A. An investigative stop is the temporary detention of a person for investigation. A "stop" or "seizure" occurs whenever officers use their recognized authority to have an individual submit to their order.
- B. If a reasonable person would believe, based on the circumstances of the police—citizen contact, that they are not free to leave or are compelled to cooperate with the officer, a "stop" or "seizure" has occurred.

II. Basis for an Investigative Stop

- A. Officers may stop a person in a public place, after identifying themselves as law enforcement officers, if they reasonably believe that a person has committed, is committing, or is about to commit any offense.
- B. Both pedestrians and persons in vehicles may be stopped.

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III. Reasonable Suspicion

- A. The term "Reasonable Suspicion" is not capable of precise definition; however, it is more than a hunch or mere speculation on the part of an officer, but less than the probable cause necessary for an arrest.
- B. Every officer conducting a stop must be prepared to cite the existence of specific, articulable facts in support of that officer's determination that a "reasonable suspicion" was present.
- C. Articulating Reasonable Suspicion
 1. The existence of reasonable suspicion is determined by the totality of the circumstances. The totality is based on all of the facts known to the officer and the circumstances that existed at the time the stop took place.
 2. Reasonable suspicion is obtained through activity perceived by officers through their own senses, through information obtained from other persons, or through a combination of both factors, including the following:
 - a. *The Person's Appearance:* Does this person generally fit the description of a suspect in a known offense?
 - b. *The Person's Actions:* What suspicious activity has been observed? Is the person attempting to flee, making furtive movements, displaying signs of nervousness or involved in activity commonly known to the officer as criminal in nature?
 - c. *Prior Knowledge of the Person:* Does the suspect have a criminal record? Has this person been arrested in the past for certain types of criminal behavior? What information has been received from other parties (informants) about this person?
 - d. *Demeanor During the Contact:* What is the nature of the suspect's answers? Were questions answered evasively or were they suspicious or obviously false? What non-verbal cues were observed? Is the person cooperative or resistant?

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- e. *Area of the Stop:* Is the suspect near or at the location of a recently committed crime? Is this area known for high levels of criminal activity like drug trafficking? Has this area been inundated with a certain type of crime?
- f. *Time of Day:* Is it unusual for people to be in this area at this time? Is it the time of day when a certain type of crime has been taking place according to your knowledge?
- g. *Law Enforcement Training and Experience:* Does this person's appearance or behavior resemble a pattern followed in a particular offense? How does this person's behavior compare to the behavior of others in this area under similar conditions?
- h. *Law Enforcement Purpose:* Are you investigating a specific crime, type of crime or pattern of criminal activity?
- i. *Source of Information:* From whom did you receive your information? How credible is the person you are receiving information from? How did this person obtain their information? Can you corroborate the information?
 - (1) Information received from other police officers can be acted on without further analysis.
 - (2) Information received from upstanding citizens will be deemed credible and can be acted on once their basis of knowledge is established.
 - (3) Information received from confidential or criminal sources can be acted on but corroboration will protect their anonymity.
 - (4) Information received from anonymous sources must be corroborated and must be predictive of future behavior before any action can be taken.

IV. Stopping Vehicles at Roadblocks

- A. If authorized to do so by a superior officer, a police officer may order the drivers of vehicles moving in a particular direction to stop.

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B. Authority to make such stops shall be given in those situations where such action is:

1. Taken pursuant to a driver license or sobriety checkpoint operation; or
2. Necessary to apprehend the perpetrator of a crime who, if left at large, can be expected to cause physical harm to other persons, or to discover the victim of a crime whose physical safety is presently or potentially in danger. Once a vehicle is stopped pursuant to this section, it may be searched only to the extent necessary to determine if the perpetrator or victim is present in the vehicle, and the search shall be made as soon as possible after the stop.

V. Police Conduct During the Stop

A. Proper justification for a stop does not permit unreasonable conduct during the stop. Every phase of the detention must be reasonable, for the United States Supreme Court has stated in *Terry v. Ohio*, 392 U.S. 1, 28 (1968), that the manner in which stops and frisks are conducted is "as vital a part of the inquiry as whether they were warranted at all."

B. Duration of Stop

1. A person stopped pursuant to these rules may be detained at or near the scene of the stop for a reasonable period of time.
2. Officers should detain a person only for the length of time necessary to obtain or verify the person's identification, or an account of the person's presence or conduct, or an account of the offense, or otherwise determine if the person should be arrested or released.

C. Explanation to Detained Person

1. Officers shall act with courtesy towards the person stopped, if at all feasible.
2. At some point during the stop the officer shall, in every case, give the person stopped an explanation of the purpose of the stop.

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D. Rights of Detained Person

1. The officer may direct questions to the detained person for the purpose of obtaining their name, address and an explanation of the conduct.
2. The detained person may not be compelled to answer questions or to produce identification documents for examination by the officer; however, the officer may request the person to produce identification and may demand the production of an operator's license if the person has been operating a vehicle.
3. During the questioning, the detained person need not be advised of their Miranda rights until probable cause to arrest develops, or until the questioning becomes sustained and coercive rather than brief and casual.
4. Refusal to answer questions or to produce identification does not by itself yield probable cause to arrest, but such refusal may be considered along with other facts as an element adding to probable cause.

E. Effecting a Stop and Detention

1. Officers shall use the least intrusive means necessary under the circumstances to effect a stop and to detain a person.
2. An officer may use only the minimum amount of non-deadly force or restraint that is reasonably necessary to stop and detain a person and to protect the officer, pursuant to these guidelines.
 - a. Weighing the totality of the circumstances known to the officer at the time of the stop, particularly when stops are made for violent offenses, an officer is justified in using restraints, i.e., handcuffs, including drawing a weapon.
 - b. In other circumstances, the use of the firearm or restraints may elevate the stop into a de-facto arrest, leading to civil liability or suppression of evidence.
3. If an officer is attacked, or circumstances exist that create probable cause to arrest, the officer may use that amount of force necessary for defense or to effect a full-custody arrest.

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F. Stopping Witnesses Near the Scene of a Crime

1. A police officer who has probable cause to believe that a felony or a misdemeanor involving danger to persons or property has just been committed, and who has probable cause to believe that a person found near the scene of such offense has knowledge of significant value to the investigation of the offense, may order that person to stop.
2. The sole purpose of the stop authorized by this section is the obtaining of the witness' identification so that the witness may later be contacted by the officer's agency. Officers shall not use force to obtain this information.

GPO 2.3.10

SEARCHES INCIDENT TO ARREST



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: JULY 17, 2003	REVISED DATE: DECEMBER 31, 2007	NO. PAGES: 1 of 6	NUMBER: 2.3.10
SUBJECT: SEARCHES INCIDENT TO ARREST			
ASSOCIATED MANUAL:		RELATED ORDERS: 7.1.04	
CHIEF OF POLICE: <i>Michael McGrath, Chief</i>			

Changes in italics

PURPOSE: To ensure persons arrested or taken into custody by the Cleveland Division of Police are properly searched.

POLICY: Officers shall conduct searches incident to arrest in compliance with the constitutions of the United States and the State of Ohio.

DEFINITIONS:

Search Incident to Arrest: A search of an arrested person, their personal effects, the passenger compartment of their motor vehicle or their "lunge" area, incident to, and conducted during the same time period as, their arrest.

Frisk Search: A thorough search or "pat down" of a detainee's clothes and head cavities, while the detainee is still clothed.

Strip Search: An inspection of the genitalia, buttocks, breasts, or undergarments of a detainee that is preceded by the removal or rearrangement of some or all of the detainee's clothing that directly covers the detainees genitalia, buttocks, breasts, or undergarments and that is conducted visually, manually, by means of an instrument, apparatus, or object, or in any other manner while the detainee is detained or confined.

Body Cavity Search: An inspection of the anal or vaginal cavity of a detainee that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any manner while the detainee is confined.

Lunge Area: The area within which a person can logically reach for a weapon, means of escape, evidence or contraband.

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I. General Requirements

- A. Searches incident to arrest shall only be conducted after an officer has developed probable cause to arrest an individual for any offense that allows an officer to take a person into full custody by state law or municipal ordinance.
- B. Officers shall conduct a thorough search incident to arrest to assure that the person is not armed, does not have implements of escape on their person or that they do not possess any evidence of a crime or contraband.
- C. Searches shall be conducted contemporaneously (in the same time period) as the arrest itself.
 1. The search should be conducted as soon as possible following the arrest.
 2. The search can be conducted as soon as the officer develops probable cause to arrest and may precede the actual arrest in certain circumstances.
 3. Searching a person may be delayed for logistical reasons, including the safety of the person or officer, for privacy reasons, if the person's clothing has evidentiary value (i.e. sexual assault evidence) or a strip or body cavity search is necessary.
 4. Vehicle searches, incident to arrest, shall be conducted immediately after the person has been placed in police custody and only while the arrested person is on scene.
 5. Searches of lunge areas within the home shall be conducted only while the suspect is on scene, however, if a weapon is discovered, the suspect may be removed from the area before retrieving the weapon and continuing the search.

II. Scope of the Search

A. Search of the Person

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1. This search includes, but is not limited to, the search of all garments (not including those areas described in the definitions of strip search and body cavity search). This includes pockets; contents of the pockets including, but is not limited to, wallets and other containers; the search of any purse, fanny pack or any other such article designed to store items; the removal and search of footwear; or the search of any other item found on a person.

B. Search of a Motor Vehicle

1. When a custodial arrest of any occupant of a motor vehicle is made, for any charge, officers may search the passenger compartment of the motor vehicle incident to arrest.
2. All containers, open or closed, may be searched.

C. Search of Areas Within a Home

1. Once a custodial arrest is made within a home, officers may search the lunge area of the person arrested. Officers must make a common sense conclusion as to what constitutes the "lunge area."
2. The search is limited to the room the person is arrested in.
3. The search area does not expand with the movement of the prisoner unless the prisoner's movement in the home is voluntary. If the prisoner requests that a coat be removed from the closet, for example, the area of the search can expand to the location of the coat, as long as the prisoner is in the general area.
4. Protective Sweeps
 - a. For officer safety, without probable cause or reasonable suspicion but incident to arrest, an officer may look in spaces immediately adjacent to the place where the suspect was arrested (closets and other areas where an attack against the officer could originate).

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- b. Additionally, officers may conduct a limited protective sweep of the entire house subsequent to an in-house arrest if there is an articulable reasonable suspicion that the area to be swept harbors an individual posing a danger to those on the arrest scene.
- c. Such a protective sweep is not a full search of the premises, but may extend only to a cursory inspection of those spaces where a person may be found. The sweep shall last no longer than is necessary to dispel the reasonable suspicion of danger and in any event no longer than it takes to complete the arrest and depart the premises.

D. *Strip Searches and Body Cavity Searches*

- 1. *Strip searches and body cavity searches may be conducted by the Division of Police anytime while the prisoner to be so searched is in the custody of the Division of Police or during the booking process when custody of the prisoner is being transferred to the Division of Correction or that of another law enforcement agency. All strip searches and body cavity searches must be pre-approved by a Division of Police supervisor.*
- 2. *Strip searches and body cavity searches shall be made by a person of the same sex as the prisoner and in a manner that permits only the person(s) conducting it to observe the search. A body cavity search shall be conducted under sanitary conditions and only by a physician, or registered nurse, or licensed practical nurse, who is registered or licensed to practice in the State of Ohio. In the absence of qualified medical personnel, prisoners shall be transported to the nearest hospital emergency room for completion of a body cavity search.*
- 3. *In misdemeanor or traffic cases, a strip search or body cavity search may be conducted if there is probable cause to believe that the person is concealing evidence of the commission of a criminal offense, including fruits or tools of a crime, contraband, or a deadly weapon that could not otherwise be discovered.*

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4. In felony cases, a strip search or body cavity search must be based upon reasonable belief supported by articulable facts (within the context of the nature of the offense, circumstances of the arrest, and if known, prior criminal/conviction record of the person) that the prisoner may possess weapons or contraband on their body.
5. A body cavity search shall be conducted only after a search warrant has been issued that authorizes the search, unless there is legitimate medical reason or medical emergency justifying a warrantless search.
6. All strip searches and body cavity searches shall require the completion of a Prisoner Search Report form.

E. Reporting Procedures

1. A Cleveland Division of Police Search report shall be made upon completion of any strip or body cavity search. When medical personnel conduct a body cavity search, the officer who conducted or caused the search to be conducted shall complete the report.
2. The narrative section shall contain the facts upon which the officer based probable cause (for misdemeanants) or articulable reasonable suspicion (for felons) including factors such as the nature of the offense, the circumstances of the arrest and if known, any prior criminal/conviction record of the offender.
3. If a body cavity search is conducted without a warrant, the officer shall list the emergency exigent reasons that make obtaining a warrant impractical.
4. Documentation
 - a. The original Prisoner Search Report shall be maintained in unit files and a copy shall be attached to the booking papers that accompany the prisoner.
 - b. A third copy shall be given to the prisoner.

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- e. The narrative section of the Record Management System (RMS) arrest report shall contain all details of the strip or body cavity search.*

III. Supervisory Responsibilities

- A. Supervisory officers shall review all information pertaining to any request by a police officer to conduct a strip or body cavity search.
- B. After the responsible supervisor determines that a strip or body cavity search is warranted, the supervisor shall give "prior written authorization" to conduct the search by signing his/her name along with the date and time in the space provided near the top of the Prisoner Search Report. (Noted exception – Unless a medical emergency makes doing so impracticable.)
- C. The endorsing supervisor shall sign his/her name in the space provided near the bottom of the Prisoner Search Report and include the date and time that the strip or body cavity search was completed. This endorsement shall serve as a confirmation that the strip or body cavity search was performed in the manner prescribed by law.

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MM/TAH/JCO/mg
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