

## Questions from Second Community Roundtable (9/20/16)

### **1. Will all officers be trained/retrained on the policy on the job and in the Academy?**

All Division officers and supervisors are to receive 2 days of training at the Academy covering all of the new use of force policies. The training will be reinforced on the job by the officer's supervisors.

### **2. Will scenario-based training be a factor- especially in de-escalation?**

Yes. Scenario-based training is incorporated in the training.

### **3. What does chokehold mean?**

The term "chokehold" is not used by the Division in the Use of Force policies. The policy prohibits a "neck hold" which is defined in the policy as "a hold around the neck that may restrict the flow of oxygen or blood through the neck".

### **4. Are officers trained to deal with situation sensitively?**

Every officer receives at least 40 hours of annual in-service training on a variety of subjects during the course of each year. Every officer will receive training on the new Use of Force policies to include training on the Division's de-escalation policy.

### **5. Shouldn't handcuffs be listed or reported as a use of force? There appears to be a contradiction in the definitions and policy.**

There is no contradiction in the policy. When an officer places handcuffs on an individual with minimal or no resistance and without injury to the person or any complaint of injury it will not be considered a use of force.

### **6. What is the police perception of the community? And what is the community's perception of the police? How does the consent decree affect perceptions on both sides?**

The Division understands there are many diverse elements that make up the larger Community served by the Division. The Division anticipates that the new policies will serve to assist in fostering a better mutual perception and understanding between officers and the community.

**7. What are the criteria to identify the mentally ill?**

The Division is concurrently developing a new Crisis Intervention (“CIT”) Policy and training that addresses the Division’s interactions with individuals in crisis, to include symptoms associated with mental illness.

**8. What are the resources available to the community after the use of force?**

*(The perspective of this question is not understood and cannot be answered – does it mean one who had force used against them, one who witnessed a use of force and needs counseling, the word community implies a large group, does this mean generally a use of force whether witnessed or not? Does this mean assistance from CDP to the community?)*

**9. During future recruitment of officers how does the department screen to make sure the hires have the mental stability to protect and the community vision to honor the new policies?**

New hires are subject to background checks and psychological testing along with the use of an entrance examination.

**10. How many bullets does it take to reduce a threat? If an officer is justified to shoot once, can the officers shoot 20, 30, 50 times based on the initial justification?**

Justification for any use of force, whether or not it involves the use of a firearm, is determined by the circumstances involved. Each use of force is reviewed as to whether it was objectively reasonable, necessary and proportional under the circumstances confronting the officer.

**11. How will factors such as staffing and equipment deficiencies outlined in the DOJ report be addressed in order to allow officers to be in a state of mind to be “objectively reasonable”?**

The Division’s staffing and equipment resources issues are being studied and reviewed to meet the agreed upon terms of the agreement.

**(Combined 12 and part of 29)**

**12. “Use of excessive force” (one situation) v. “excessive use of force” (repeat offender). Is this distinction acknowledged or addressed in the new policy?**

**29. What happens if there is a pattern of force with the same officers? Are there repercussions? What are they?**

All uses of force are reviewed to determine if an officer's use of force in each situation was objectively reasonable, necessary, and proportional. Patterns related to an officer's multiple uses of force are documented. Where any use of force is determined not to have been exercised in an objectively reasonable, necessary, and proportional manner an officer is subject to job related disciplinary consequences.

**13. How is de-escalation training done? What is the length of time given? And how is it addressed and evaluated?**

Every officer receives at least 40 hours of annual in-service training on a variety of subjects during the course of each year. De-escalation is now established as a separate policy within the overall use of force policies that have been developed and specific training on the Division's new de-escalation policy will be provided to supervisors and officers through instruction at the Academy prior to its implementation.

**14. Do other officers have an obligation to report? Can there be a policy of active intervention as NOLA has implemented?**

Yes, both the current and the new use of force policies provide that all officers have a duty to report any use of force that an officer has used or observed. The Division's new Use of Force Policy requires that officers intervene by taking reasonable actions to stop any use of force that is perceived to be unauthorized under the policy.

**15. What is the process of reporting, tracking data, and making the data public in order to measure and show the impact of the changes in the UOF policy?**

Supervisors will be notified of all reportable uses of force. Each officer use of force will be documented through the use of an electronic database. Use of Force incidents will be collectively tracked through this system. Reports on the Division's use of force will be generated and made available for review by the public.

**(Combining two questions)**

**16. Will the policies constrain police from doing their jobs? Will the proposed policy make the job more or less difficult?**

**26. Will the proposed policy make the job more or less difficult?**

No, the new use of force policies and the training associated with the policies are intended to assist officers in doing their jobs.

**(Combines Questions 17, 27, and part of 29)**

**17. How will the policies affect police's evaluation of consequences when using force?**

**27. Who is in charge of investigating use of force reports? Is there independent review?**

**29. What happens after the use of force?**

The uses of force are categorized using three levels in the new policies. The categories are differentiated on factors such as the potential to cause injury, degree of pain experienced, and type of force used. The two lower categories, levels 1 and 2 uses of force, will be investigated by supervisors and forwarded through the chain of command, with the investigations then being reviewed by Internal Affairs. The highest category of force, level 3, will be investigated by a multiple member Force Investigation Team. Officers will be subject to discipline and held accountable where an investigation reveals an unreasonable use of force.

**18. How do these policies compare with other cities? Are those cities better off?**

As might be expected there are a variety of policies addressing the use of force that have been developed and used by the many cities across the country. The Division has attempted to evaluate and develop policies that incorporate what it believes are the best practices for serving the Cleveland Community. Policies adopted and used by other cities were reviewed in developing the Division's new policies.

**19. What situations is force most likely used?**

Force is authorized when it is objectively reasonable and necessary and has a lawful objective, such as to effect a lawful arrest or detention of a subject, to gain control of a combative subject, to prevent or terminate the commission of a crime, to intervene in a suicide or self-inflicted injury, and/or to defend or protect an officer or other individual from the violent or resistant physical acts of another in the course of an apprehension.

**20. Is there an actual definition of excessive use of force in the general police order?**

There is not a one size fits all definition of excessive force in the policy. The policy requires that any use of force be objectively reasonable, necessary and proportional taking into account the totality of the circumstances faced by an officer.

**21. What does proportionality mean?**

Proportionality in the use of force takes into account the totality of the circumstances surrounding the immediate situation faced by an officer in the performance of his/her duties, including such factors as the presence of an imminent danger to an officer or others. Officers rely on their training and experience in assessing the circumstances and determining the appropriate level of force that would be objectively reasonable, necessary, and proportional in responding to the threat presented.

**22. Why isn't there a national definition of use of force from the DOJ?**

Local police departments are not federal agencies. The Supreme Court of the United States has issued and will continue to issue opinions in cases before the Court that provide guidance to police departments concerning the use of force within the protections afforded to individuals by the Constitution of the United States.

**23. How can a citizen ID an officer appropriately in a use of force?**

Officers can be identified by their badge number. An officer will supply his/her badge number if requested. An officer's name and badge number are also included on reports and/or citations related to any incident.

**24. What type of training will there be for first aid?**

Recruits receive first aid training in the Academy from qualified instructors. All officers have received first aid training, with each officer being re-trained by qualified instructors every two (2) years.

**25. What kind of accountability will there be? Penalties?**

All uses of force are reviewed. A use of force that has been determined to be unreasonable following the Division's established review and investigation guidelines is subject to Division discipline. Disciplinary penalties can include

suspensions from duty and potential termination of an officer's employment for more serious violations of the policies governing use of force. Use of excessive force by an officer could also result in the possibility of criminal charges.

**(Questions 26 and 27 are combined above)**

**28. How do you enforce the policy with the no snitching policy?**

The Division does not have a "no snitching" policy. The Division's policies make clear that officers have an established duty to report any uses of force that an officer has used or observed, with officers who fail to do so being subject to discipline.

**29. (The parts of this question was combined with questions 12 and 17)**

**30. Why are the police not de-escalating when there are other options?**

The Division's officers do de-escalate. De-escalation has now been developed as a stand-alone use of force policy that will be trained on prior to its implementation.

**31. Does the use of verbal abuse become a norm for the de-escalation process?**

The use of strategic communications or voice commands from an officer to a subject is taught to be delivered in a calm and normal tone of voice, providing an opportunity to communicate with the subject and de-escalate the situation. De-escalation training also takes into account proper reaction to the verbal abuse that may be received by an officer in the performance of his/her duties.

**32. How do you plan to improve communications between the operator and the dispatching officers? (Specifically regarding crucial issues such as mental health, domestic violence, weapons on the scene, etc.)**

Dispatch personnel, like officers, receive annual training. All personnel assigned to the Communications Control Section will receive prescribed CIT training under the new crisis intervention policy being developed under the Settlement Agreement..

**33. How can/will police officers strike a balance between fulfilling their duties and engaging with community members? Will there be active engagement with community members on a daily basis?**

Engagement between the Division's officers and the Community is a necessary element of effective policing. New community policing policies are being developed to address active and ongoing daily engagement by officers with community members.

**34. How does training address the officers thought process before they even arrive on the scene?**

Effective training prepares officers for the many types of situations they may encounter before the officers actually arrive at a scene. Training provides officers with a developed base of knowledge that will be of assistance in responding to the ever changing and variable circumstances that may arise after arriving on the scene.

**35. How does the consent decree safeguard against genuinely "bad cops" (overt racism, excessive violence, etc)? How do we root them out of our community?**

While the Settlement Agreement acknowledges the many officers who have continued to work diligently and with integrity despite challenging circumstances, the Division is developing a searchable electronic database that will collect and track data on a variety of matters, to include officer uses of force, vehicle stops, investigatory stops and searches, and allegations of misconduct,

**9/15/16 Questions**

**1. When will the Reporting policy be released? Is it considered part of UOF policy or is it an entirely separate policy?**

The new reporting policy is a stand-alone policy being developed as a part of the policies addressing the Use of Force. The reporting policy should be finalized in the very near future.

**2. What kind of training will there be for de-escalation and in responding to persons in mental health crisis and in race relations?**

Every officer receives at least 40 hours of annual in-service training on a variety of subjects during the course of each year. Each of these subjects will be addressed within the curriculums developed for the on-going and continuing training of officers. In addition every officer will receive training on the Use of Force policies,

to include de-escalation before the new policies become effective. A separate Bias-Free Policing policy is also being developed.

**3. Does the policy even require the officer to use intermediate force?**

Intermediate force is one level of force. The use of force policy establishes that officers shall use force that is objectively reasonable, necessary and proportional under the circumstances to accomplish an intended lawful objective.

**4. If officers must give first aid training, will they be given training?**

*(Consider combining with question 24 from 9/20)*

Yes. Officers have already been given such training. Re-training is accomplished on a two (2) year cycle.

**5. Will the policy require officers to document every time they draw and point a weapon?**

Yes. Drawing and pointing a weapon at an individual is to be documented as a use of force.

**6. Why does the proportionality standard not ask “how would the general public view the action the officer took” as per PERF recommendation?**

Whether a particular use of force was reasonable and proportional is based on the facts and circumstances presented in each particular case.

**7. Is the new language in the policy (“de-escalation” “proportional” and “necessary”) mandated by the consent decree, or is it best practices?**

The concepts of de-escalation, proportionality and necessary within the context of use of force are long standing and predate the Settlement Agreement. Revised policies undertaken and developed after entering the Settlement Agreement recognize a continuing effort to ensure that force be used only when necessary, in a manner that would avoid unnecessary injury to officers and others, that de-escalation be undertaken whenever possible and appropriate, and that any force used be objectively reasonable and proportional.

**8. How will force be investigated and what will the consequences be for officers who use excessive force?**

*(Combine this question with the answer to question 16 above from 9/20/16)*

**9. With the many moving pieces of new policies and training how do they work together and how will training be paid for?**

- The training for the new use of force policies will be conducted by the Division’s Academy instructors based on a curriculum developed pursuant to the Settlement Agreement to ensure effective understanding and implementation of the new policies. Every officer will be trained on each new policy prior to implementation. The training will be paid for through the Police Division’s budget. Just like with the development of the policy, the stakeholders, to include the Monitoring team and the DOJ, will have input into the curriculum as they are developed.

**10. How will these policies increase transparency, trust, and understanding?**

The new policies will be available to the public, which will allow a better and more transparent understanding of the operations of police work to the public. Additional policies to be implemented through the settlement agreement will focus on community engagement.

**11. What are the legal consequences of use of force? Job consequences?**

All uses of force are reviewed concerning whether each use of force was objectively reasonable, necessary, and proportional. If a use of force is determined not to have been objectively reasonable, necessary, and proportional, and depending on the circumstances involved, an officer can be subject to re-training and/or face job related disciplinary consequences, to include the potential for termination of employment and the possibility of criminal charges.

**12. Who will teach de-escalation, diversity training? Is it occurring now? Will it occur in the future?**

- The Division’s Academy instructors will teach de-escalation and diversity training. De-escalation training and diversity training have been a part of the Division’s in-service training classes. Going forward, de-escalation and diversity training will continue with additional emphasis given the implementation of the new policies developed following the settlement agreement. This includes a Bias-Free Policing policy.

**13. Who are training officers?**

- The Division’s Academy instructors are senior officers who have teaching experience and who have been certified by the Ohio Police Officer Training

Academy. On occasion, for certain topics that require a specialization, outside instructors may do the training or, more likely, train the academy staff.

**14. How extensive is training?**

- All division officers attend a 3-5 day period of annual mandatory training every year. Additional training is offered and available throughout the year to division officers. The initial roll out for the Use of Force policies will entail an additional 16 hours of training concentrated on these new policies.

**15. Will the mandated UOF reports be made public?**

- The UOF reports will be available via public records request, once any internal and/or criminal investigation is completed.

**16. How will the new Use of Force GPO's differ from the old GPO's?**

Both the old and new GPO's would require that a use of force be objectively reasonable, necessary, and proportional. The new GPO's reflect changes guided by the terms of the Settlement Agreement.

**17. How has CIT training through ADAMHS helped to identify drug-induced psychosis?**

The CIT training provides officers with general training regarding mental crises, to include psychosis, and provides training on indicators to look for that may provide officers with insight that a psychosis may be drug induced.

**18. What new policies help to prevent police from drawing weapons?**

The new policies do not prevent an officer from drawing his/her weapon when it is objectively reasonable, necessary, and proportional based on the circumstances. The new policies require that the circumstances create a reasonable belief that lethal force may become necessary before drawing and pointing their firearms, which is considered to be a use of force under the new policy.