

# 2020 Use of Force Report

## Cleveland Division of Police

### City of Cleveland



**CITY OF CLEVELAND**  
Mayor Frank G. Jackson

## A Message from Chief Calvin D. Williams

The Cleveland Division of Police remains committed to the values expressed in our Mission Statement which reads:

*“We shall enforce the law, maintain order, and protect the lives, property, and rights of all people. We shall carry out our duties with a reverence for human life and in partnership with members of the community through professionalism, respect, integrity, dedication, and excellence in policing.”*

A major part of that commitment involves creating a culture of transparency, fairness, and constitutional policing for the residents and visitors of our great City. Beginning with the implementation of new “Use of Force” policies in 2018 and continued training in the areas of de-escalation and use of force, the Cleveland Division of Police continues to work to earn the trust of our citizens.

In addition to our commitment to training, the division strives to maintain public trust by accurately capturing and presenting data as it relates to the use of force. Transparency in our practices assists in the fostering of open dialogue with the diverse communities we serve. Why is this important? Because we need the community to partner with us in identifying problems as well as solutions for positive change.

The Division of Police is cognizant of its role as guardians of the community. As stakeholders, we are committed to developing policies and procedures that will allow for a safe interaction for all parties involved. As such, we will continue to work in partnership with the members of our diverse city in our common goal to make the City of Cleveland even greater.



Calvin D. Williams  
Chief of Police

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## **Background**

This is the fourth annual Use of Force Report. This report provides a comprehensive look into Use of Force data collected by the Cleveland Division of Police (CDP). This report contains 2018, 2019, and 2020 use of force data.

On January 1<sup>st</sup>, 2018 CDP implemented new use of force levels and resistance levels (definitions are available in the appendix). Another major change included the expansion of the use of force definition to include “pointing a firearm at a subject”. Due to this change in definition by adding this type of action of level-1 firearm point, CDP recognized that there may be a considerable rise in use of force incidents.

In an effort to better capture data relevant to the utilization of better policing practices in Cleveland, and with such a substantial change being made to the definition of Level 1 use of force, CDP will not make comparisons between data prior to 2018 and current data. Instead, 2018 will serve as the baseline. Not all use of force reviews were complete at the time the report was prepared therefore, 2018 and 2019 Tables and Figures were updated while compiling data for the 2020 report.

## **Methodology**

Findings in this report follow the approved data collection and analysis protocol for all use of force data. To prepare this report, the data team undertook a number of sequential data collection and analysis steps. Step 1 involved obtaining raw data from the Data Warehouse, which is a repository for multiple data sources collected by the division. Step 2 involved initial quality control measures including cleaning, recoding, and validating. Step 3, involved identifying errors and working with CDP staff members to reconcile. For example the address field responses may not be an exact match. For instance, 123 Main Street and 123 Main ST are not the same and create duplicate entries in the back end data. Quality Assurance is a continuous process. The Data Collection and Analysis Coordinator and the Data Team work closely with CDP’s administrators to provide officers with clear guidance on the utilization and improvements of the system. Furthermore, CDP’s administrators consistently conduct quality assurance on all outgoing use of force reports.

Table 1 lists collected use of force data items below except (b) whether an officer unholstered a firearm and officer name from item (d). CDP has begun capturing whether an officer unholstered a firearm and plans on reporting this measure in future reports.

**Table 1-Use of Force Related Items**

<b>Use of Force-Related Items (§259)</b>
a. the type(s) of force used
b. whether an officer unholstered a firearm
c. the actual or perceived race, ethnicity, age, and gender of the subject
d. the name, shift, and assignment of the officer(s) who used force
e. the District where the use of force occurred
f. whether the incident occurred during an officer-initiated contact or a call for service
g. the subject's perceived mental or medical condition, use of drugs or alcohol, or the presence of a disability, if indicated at the time force was used
h. the subject's actions that led to the use of force, including whether the subject was in possession of a weapon
i. whether the subject was handcuffed or otherwise restrained during the use of force
j. any injuries sustained by the officer or the subject or complaints of injury, and whether the officer or subject received medical services
k. whether the subject was charged with an offense, and, if so, which offense(s)
l. for deadly force incidents, the number of shots fired by each involved officer, the accuracy of the shots, and whether the subject was armed or unarmed
m. the length of use of force and the completion of each step of the force investigation and review

Throughout the findings section, use of force is analyzed at both the incident and officer entry level. Every involved officer in a use of force incident is required to complete a use of force report. A use of force incident is defined as a single occurrence regardless of the number of involved officers. Approximately half of use of force incidents involve multiple officers. As a result, the number of officer entries is greater than the number of incidents. ***The distinction between incident and entry is essential in gaining accurate results and critical for understanding the data presented in the report.*** For instance, as seen in Table 2, a use of force incident with one subject (SUB) and two officers (OFF) would result in measuring subject demographics at the incident level and officer demographics at the officer entry level to ensure accuracy.

**Table 2-Incident versus Officer Entry Example**

Case #	SUB Last	SUB First	SUB Sex	SUB Race	SUB DOB	OFF Badge #	OFF Sex	OFF Race	OFF Age
2018-01	Doe	John	Male	White	1/1/1990	1111	Male	White	35
2018-01	Doe	John	Male	White	1/1/1990	2222	Female	Black	30



## Findings

### Use of Force Trends – Calls for Service and Arrest

Table 3 provides the 2018 to 2020 total number of calls for service, arrests and use of force incidents. Calls for service are defined as total dispatched and arrival calls from the communications center. CDP responded to 256,079 calls for service in 2018, 262,763 calls in 2019, and 252,109 calls in 2020. From 2018 to 2020, arrests declined by 40.8 percent (from 15,617 to 9,232). As seen in Table 3, use of force incidents make up a small percentage of all calls for service and arrests. For example, in 2018 and 2019, use of force incidents were involved in approximately 0.13 percent of all calls for service and 0.10 percent in 2020. In terms of arrests, use of force incidents were involved in approximately 2.15 percent of all arrests in 2018, 2.67 percent in 2019, and 2.84 percent in 2020.

**Table 3-2018-2020 Calls for Service, Arrests and Use of Force Totals**

	<b>2018</b>	<b>2019</b>	<b>2020</b>
Calls for Service*	256,079	262,763	252,109
Arrests	15,617	12,817	9,232
Use of Force Incidents	335	343	260

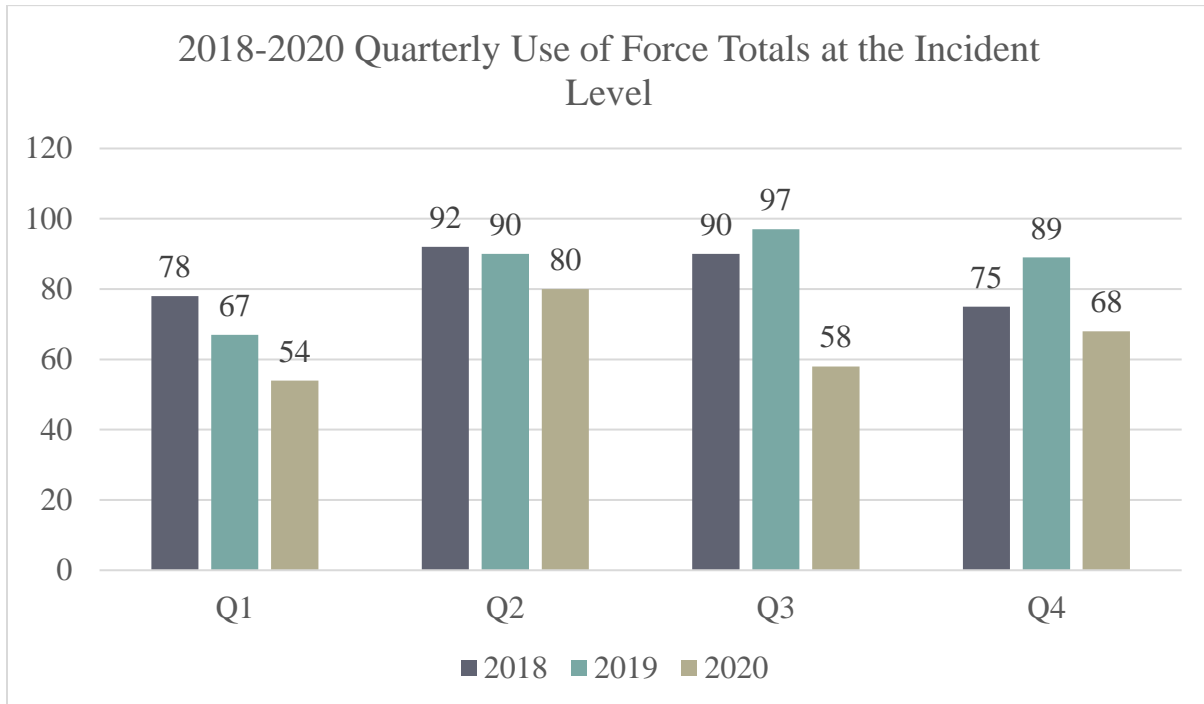
\*The definition was refined in 2020 and excludes several call types i.e. community engagement, vehicle maintenance, etc. Therefore, the total service types is lower than previously reported.

### Use of Force Trends – Incident Level

As previously mentioned in the background section, the use of force definition underwent major changes in 2018, with the pointing of a firearm as a reportable Level-1 Use of Force. ***By changing the definition of what constitutes a use of force incident, the number of use of force incidents that occurred in 2018 will not be compared to previous years.*** Figure 1 displays the total number of use of force incidents quarterly. As seen in Figure 1, 2018 and 2019 use of force incidents were highest during the 2<sup>nd</sup> and 3<sup>rd</sup> quarters and lowest during the 1<sup>st</sup> and 4<sup>th</sup> quarters.

In 2020, use of force incidents were highest in the 2<sup>nd</sup> and 4<sup>th</sup> quarters and lowest in the 1<sup>st</sup> and 3<sup>rd</sup> quarters.

**Figure 1-2018-2020 Quarterly Use of Force Incidents**

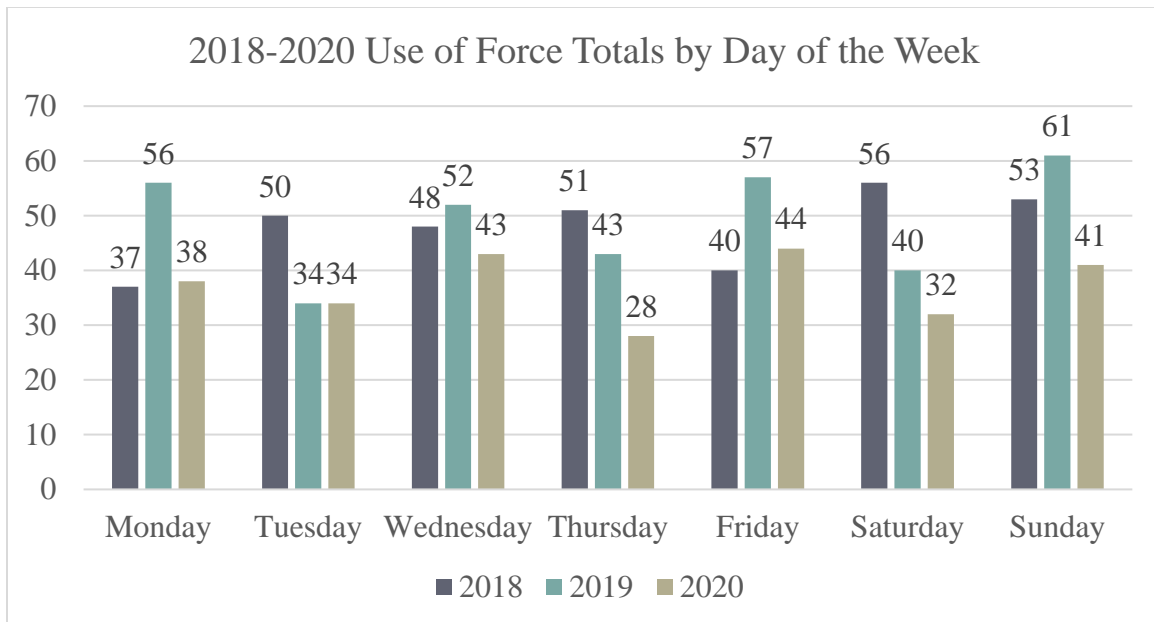


As seen in Table 4, some of the highest numbers of use of force incidents in all three years of the report occurred during the month of June. In addition to June, September and January had the highest number of use of force incidents in 2018, while it was the months of July and December in 2019, and the months of May and November in 2020.

**Table 4-2018-2020 Monthly Use of Force Incidents**

<b>Number of Use of Force Incidents</b>			
<b>Month</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
January	33	20	14
February	21	24	15
March	24	23	25
April	30	32	21
May	28	25	27
June	34	33	32
July	27	35	22
August	28	29	17
September	35	33	19
October	25	30	21
November	22	25	27
December	28	34	20
<b>Total</b>	<b>335</b>	<b>343</b>	<b>260</b>

Figure 2-2018-2020 Use of Force Incidents by Day of the Week



In regards to day of the week, as seen in Figure 2, in 2018 most use of force incidents occurred on Saturdays and Sundays and least occurred on Mondays and Fridays. In 2019, most use of force incidents occurred on Sundays and Fridays and least occurred on Tuesdays and Saturdays. In 2020, use of force incidents occurred most often on Fridays and Wednesdays and least occurred often on Thursdays and Saturdays.

As seen in Figures 3 and 4, use of force incidents were most likely to occur in the afternoon. As far as hourly, in 2018, most use of force incidents occurred at 12am and 8pm (Figure 4). In 2019, most use of force incidents occurred at 2am, followed by 12 and 1am. In 2020, most use of force incidents occurred at 2am followed by 3 am.

Figure 3-2018-2020 Use of Force Incidents by Time (in AM/PM)

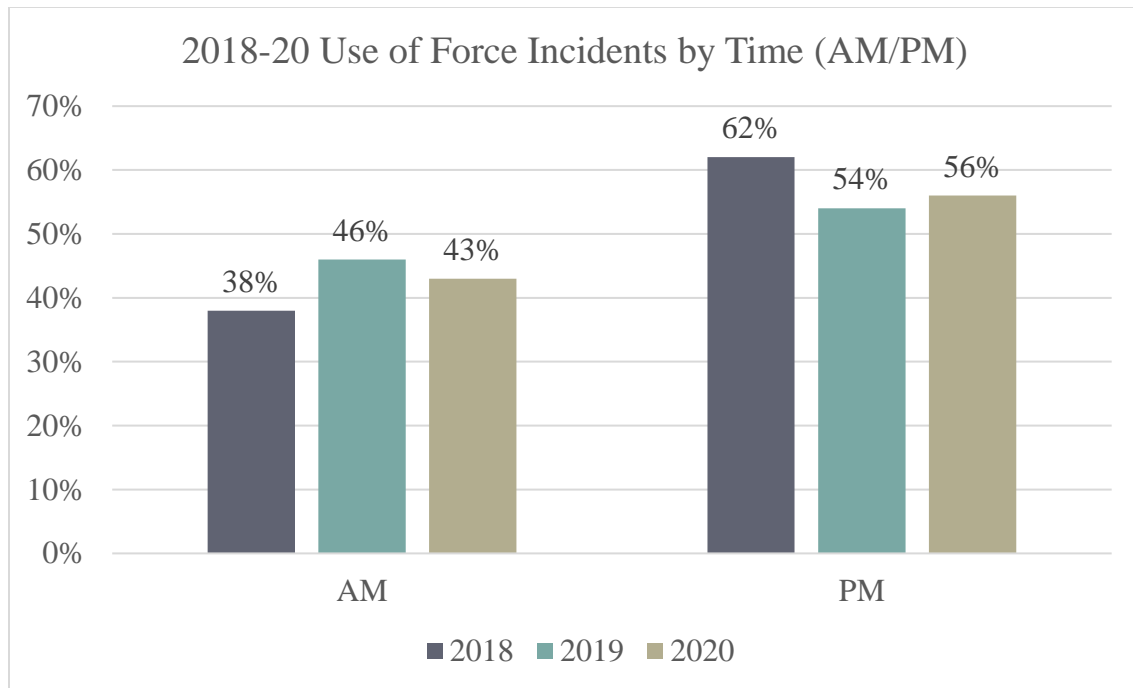


Figure 4-2018-2020 Use of Force Totals by Hour

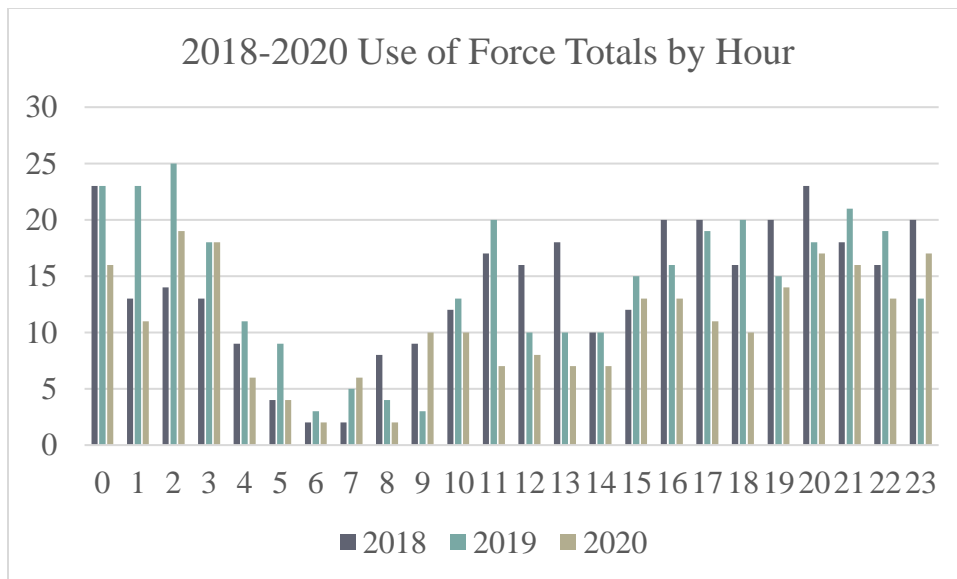
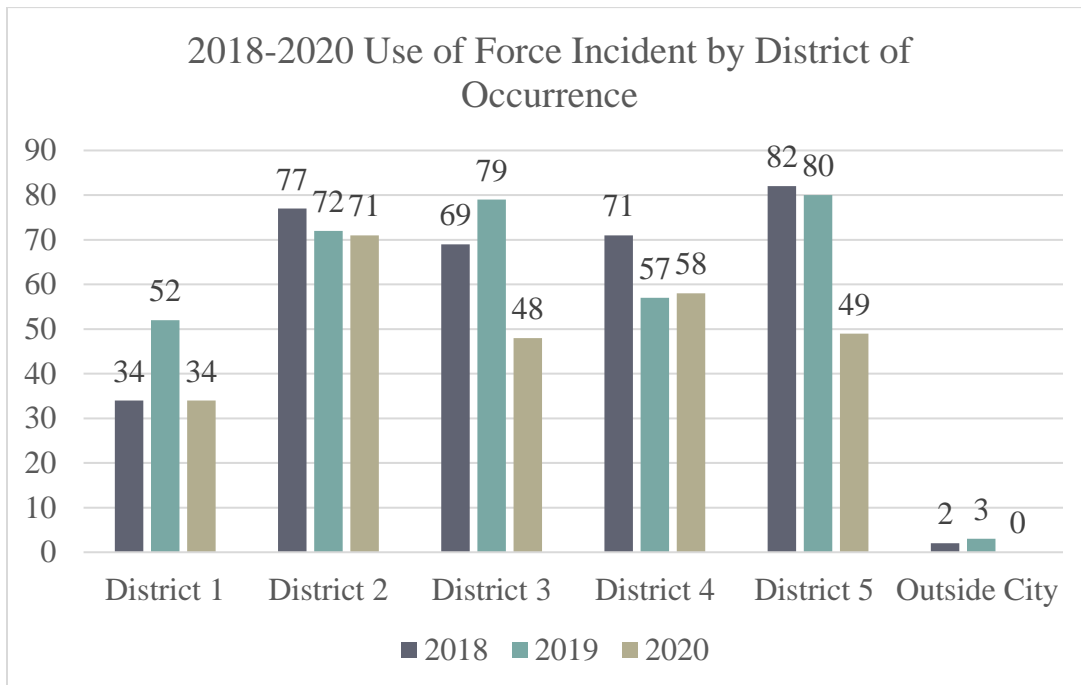


Figure 5 displays use of force incidents by district of occurrence. As seen in Figure 5, District 1 had the fewest number of use of force incidents across all three years of the report. In District 1, 2020 use of force levels returned to 2018 levels after a jump in 2019. In District 2 and

District 4, use of force levels remained relatively unchanged from 2019 to 2020. While the Fifth District had the most use of force incidents in both 2018 and 2019, there was a dramatic decrease to 49 incidents in 2020. A similar occurrence happened in the Third District, from 79 use of force incidents in 2019 to 48 incidents in 2020.

**Figure 5-2018-2020 Use of Force Incident by District<sup>1</sup>**



<sup>1</sup> Settlement Agreement paragraph 259.e

Table 5-2018-2020 Number of Use of Force Incidents and Service Types by District

	2018			2019			2020		
District	Use of Force Incidents	Calls for Service	%	Use of Force Incidents	Calls for Service	%	Use of Force Incidents	Calls for Service	%
District 1	34	45,285	0.07%	52	47,444	0.10%	34	47,262	0.07%
District 2	77	54,971	0.14%	72	55,611	0.13%	71	52,195	0.14%
District 3	69	52,351	0.13%	79	54,513	0.14%	48	47,235	0.10%
District 4	71	57,260	0.12%	57	58,236	0.09%	58	58,068	0.10%
District 5	82	42,444	0.19%	80	42,763	0.18%	49	42,421	0.12%
Outside City/Other*	2	3,768	0.05%	3	4,196	0.07%	0	4,928	0.00%
Total	335	256,079	0.13%	343	262,763	0.13%	260	252,109	0.10%

\*Other includes warrant checks, addresses that are not validated, etc.

Table 5 presents the total number of use of force incidents by district and the number of calls for service. It is noteworthy to point out that use of force incidents comprise less than 0.2 percent of all calls for service across all 5 districts across all three years of the report (see Table 5).

Table 6-2018-2020 Monthly Use of Force Incidents by District

Month	District 1			District 2			District 3			District 4			District 5			Total								
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020						
January*	1	7	2	9	3	3	6	5	2	8	1	4	8	4	3	33	20	14						
February*	4	1	3	3	3	3	4	10	1	5	5	5	5	4	3	21	24	15						
March	0	6	3	9	4	10	6	3	3	3	4	4	6	6	5	24	23	25						
April	5	4	4	8	8	5	6	6	4	3	7	5	8	7	3	30	32	21						
May	2	3	3	4	4	9	9	8	9	4	1	3	9	9	3	28	25	27						
June*	4	5	1	8	3	6	2	8	8	10	4	7	10	12	10	34	33	32						
July	4	6	0	4	9	7	4	8	3	8	6	9	7	6	3	27	35	22						
August*	2	4	5	12	6	4	4	9	5	4	3	2	6	6	1	28	29	17						
September	5	5	5	4	8	2	7	9	3	10	6	4	9	5	5	35	33	19						
October	3	2	4	4	8	8	7	5	0	7	7	5	4	8	4	25	30	21						
November*	3	3	2	5	6	7	5	4	5	2	5	5	6	8	8	22	25	27						
December	1	6	2	7	10	7	9	4	5	7	8	5	4	5	1	28	34	20						
Total	34	52	34	77	72	71	69	79	48	71	57	58	82	80	49	335	343	260						
Difference Year-to-year (Number)	+18		-18		-5		-1		+10		-31		-14		+1		-2		-31		+8		-83	
Difference year-to-year (Percentage)	+53%		-35%		-6%		-1.3%		+14%		-39%		-20%		+2%		-2%		-38.7%		+2%		-24%	
*Outside City-In 2018, there were 2 incidents that occurred outside of the city (January and November). In 2019, there were 3 incidents that occurred outside of the city (February, June and August). In 2020, there were no incidents that occurred outside of the city.																								



Table 6, displays the monthly use of force totals across districts. Between 2018 and 2019, there was a 2 percent increase in the number of use of force incidents citywide. From 2019 to 2020, however, there was a dramatic decline with 83 fewer use of force incidents, a 24 percent drop. Covid-19 may have had an impact on the dramatic decline in use of force incidents from 2019 to 2020, however this is pure speculation and more data analysis is required to reach a solid conclusion. Every district saw a decrease in the number of use of force incidents from 2019 and 2020, except district 4 which had 1 more use of force incident in 2020 than in 2019 at 57 and 58, respectively.

## Type of Use of Force<sup>2</sup> – Incident Level

As of January 2018, officers began categorizing force levels using levels 1, 2 and 3 (see the appendix section for definitions). Force level is measured at both the incident and officer entry level. At the incident level, the highest force level used is counted. For example, in a single use of force incident involving 2 officers, in which Officer A uses Level-1 force and Officer B uses Level-2 force, it is counted as a Level-2 use of force at the incident level. At the officer entry level it is counted as a Level-1 for Officer A and a Level-2 for Officer B. Generally, the trends for 2018 through 2020 were similar, whereby Level-1 (least serious) force was the most common and Level-3 (most serious) was the least common. Specifically, there was a decrease in Level-1s and an increase in Level-2s from 2018 to 2020. As shown in Figure 6, in 2018, 68 percent of all use of force incidents involved Level-1, 28 percent involved in Level-2 and 4 percent involved Level-3. In 2019, 57 percent of all use of force incidents were Level-1, 39 percent were Level-2, and 5 percent were Level-3. In 2020, 52 percent of all use of force incidents were Level-1, 40 percent were Level-2, and 8 percent were Level-3.

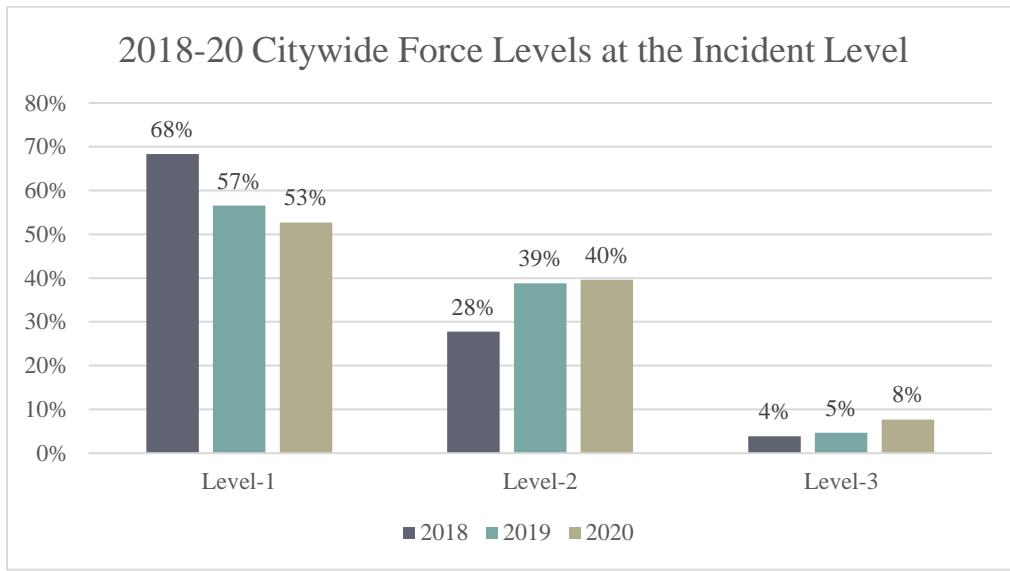
It is important to note that the Level-1 data presented throughout the report will be separated into “Level-1 firearm point” and “Level-1 other”. “Level-1 firearm point” is a Level-1 use of force where the only force type was a firearm point. In contrast, a “Level 1-other” includes all Level-1s that involve any force type that may or may not include a firearm point. For example, a Level-1 that involves bodyweight is a considered a Level-1 other. Likewise, a Level-1 that involves bodyweight and firearm point is also considered a Level-1 other. As seen in Figure 7, pointing of the firearm consistently made up a majority of all Level-1s. The top 3 initial call for service types among Level-1 firearm point included shots fired, person threatening with a

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<sup>2</sup> Settlement Agreement paragraph 259.a

weapon, and domestic violence. In 2018, three out of every four, in 2019 four out of every five, and in 2020 two out of every three Level-1 use of force incidents involved firearm point as the sole force type.

**Figure 6-2018-2020 Citywide Force Levels at the Incident Level**



**Figure 7-2018-2020 Citywide Level-1 Pointing Firearm Compared to Level-1 Use of Force at the Incident Level**

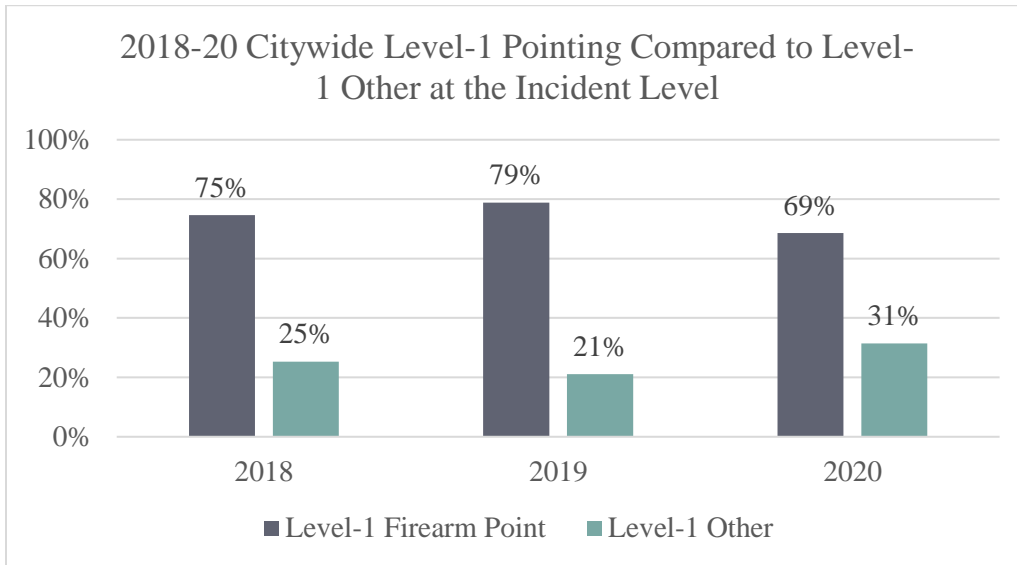


Table 7-2018-2020 Force Levels at the Incident Level by District

Use of Force Incidents by District and Force Level (Incident Level)																			
Force Level	Level-1 Other			Level-1 Firearm Point			Level-2			Level-3			Total						
District of Occurrence	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	Difference (number)		Difference (percentage)	
																18-19	19-20	18-19	19-20
District 1	9	7	7	22	18	11	3	25	15	0	2	1	34	52	34	+18	-18	+53%	-35%
District 2	9	4	3	43	40	29	19	25	31	6	3	8	77	72	71	-5	-1	-8%	-1%
District 3	20	11	12	19	29	11	25	36	20	5	3	5	69	79	48	+10	-31	+14%	-39%
District 4	6	10	5	44	32	28	20	12	21	1	3	4	71	57	58	-14	+1	-20%	+2%
District 5	14	9	16	42	32	15	25	33	16	1	5	2	82	80	49	-2	-31	-2%	-39%
Outside City	0	0	0	1	1	0	1	2	0	0	0	0	2	3	0	+1	-3	+50%	-100%
Total	58	41	43	171	153	94	93	133	103	13	16	20	335	343	260	+8	-83	+2%	-24%

Table 7 provides an in-depth look at the use of force levels across districts from 2018 to 2020. “Level-1 other” decreases from 2018 to 2019 and remains essentially unchanged from 2019 to 2020. “Level-1 firearm point” continuously declined from 2018 to 2019 but dramatically dropped from 2019 to 2020. The number of Level-2 use of force incidents increased from 2018 to 2019 and then dramatically decreased from 2019 to 2020. Level-3 incidents saw a slight increase from 2018 to 2019 and from 2019 to 2020. As previously mentioned, the citywide total number of use of force incidents increased slightly by 2 percent between 2018 and 2019. By contrast, citywide incidents dropped by nearly 24 percent from 2019 to 2020. As shown in Table 7, use of force incidents declined from 2019 to 2020 in Districts 1, 3, and 5 and while Districts 2 and 4 totals were consistent. District 1 use of force totals dropped by

35 percent, while Districts 3 and 5 saw a 39 percent decline. Districts 2 and 4 saw no change with a difference of 1 less incident in District 2 and 1 more incident in District 4.

**Table 8-2018-2020 Force Types across Force Levels at Incident Level**

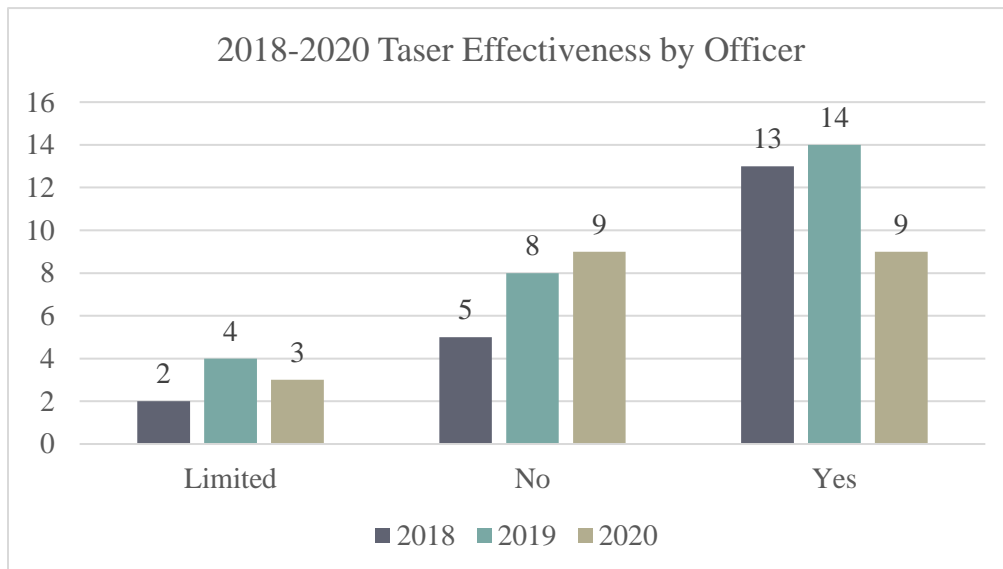
Force Type	Level-1 Firearm Point			Level-1 Other			Level-2			Level-3			Total		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Balance Displacement	0	0	0	0	0	1	0	0	6	0	0	0	0	0	7
Baton-ASP-Impact	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0
Baton-Straight-Pressure Point	0	0	0	0	0	0	1	0	0	0	1	0	1	1	0
Beanbag Shotgun	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0
Bicycle-Push	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Body Force	0	0	0	0	0	2	0	0	12	0	1	1	0	1	15
Body Weight	0	0	0	17	22	16	42	61	42	5	2	5	64	85	63
Chemical Agent-OC Spray	0	0	0	0	0	0	2	0	2	2	0	1	4	0	3
Chemical Agent-Other	0	0	0	0	0	0	0	1	1	0	0	0	0	1	1
Control Hold-Restraint	0	0	0	29	20	15	34	54	32	5	2	3	68	76	50
Control Hold-Takedown	1	0	0	10	3	0	25	53	27	4	0	3	40	56	30
FIT-Canine Bite	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0
FIT-Firearm-Pistol-Fire	0	0	0	0	0	0	0	0	0	2	5	5	2	5	5
FIT-Firearm-Rifle-Fire	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0
FIT-Level 2-Handcuffed Subject	0	0	0	0	0	0	0	0	0	0	0	3	0	0	3
Feet/Leg Kick/Knee	0	0	0	0	0	0	3	4	2	1	0	0	4	4	2
Feet/Leg Sweep	0	0	0	3	0	0	6	15	14	1	2	1	10	17	15
Firearm-Pistol-Point	166	147	93	1	3	11	14	8	6	1	5	1	182	163	111
Firearm-Rifle-Point	6	4	2	0	0	1	0	0	0	0	1	1	6	5	4
Firearm-Shotgun-Point	3	9	2	0	0	0	0	0	1	0	0	0	3	9	3
Joint Manipulation	0	0	0	16	16	13	18	38	25	2	2	1	36	56	39
Leg Restraint	0	0	0	4	4	3	7	8	7	1	0	0	12	12	10
Open Hand Strike	0	0	0	0	0	0	2	0	0	0	0	0	2	0	0
Pressure Point	0	0	0	0	1	2	1	2	1	0	0	0	1	3	3
Pull	0	0	0	27	17	19	35	51	34	6	4	3	68	72	56
Punch/Elbow	0	0	0	0	0	0	5	4	1	2	1	1	7	5	2
Punching	0	0	0	0	0	0	0	0	2	0	0	1	0	0	3
Push	0	0	0	18	15	15	13	19	20	6	2	5	37	36	40
Shield	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0
Striking	0	0	0	0	0	0	0	0	2	0	0	1	0	0	3
Tackling/Takedown	0	0	0	6	3	1	32	53	43	6	2	7	44	58	51
Taser	0	0	0	0	0	1	14	21	18	3	2	1	17	23	20
Verbal/Physical Gestures	0	0	2	0	0	2	0	0	2	0	0	0	0	0	6
<b>Total</b>	<b>175</b>	<b>160</b>	<b>99</b>	<b>131</b>	<b>105</b>	<b>102</b>	<b>256</b>	<b>393</b>	<b>300</b>	<b>47</b>	<b>33</b>	<b>44</b>	<b>610</b>	<b>691</b>	<b>546</b>

Table 7 displays force level across district at the incident level. On the other hand, the data presented in Table 8 includes all force types used at the incident level by each involved officer. Therefore, the totals in Table 8 are higher than those in Table 7, because Table 7 accounts for the single highest level of force used at the incident level. For example, a single use of force incident involving 2 officers, “1” who pointed their firearm and “1” who used a “punch/elbow” would result in a total of “1” Level-2 in Table 7 and “1” firearm point at a level-1 firearm and “1” punch/elbow at a level-2 in Table 8.

Table 8 displays force types across force levels. A single incident may include multiple types of force, therefore the total will not equal the number of officer entries. Across all three years of the report, the most common force types included firearm pistol point (firearm point), bodyweight, control hold-restraint, control hold-takedown, pull, and push.

Figure 8 represents Taser effectiveness at the officer entry level. In 2018, 20 officers used a Taser (in 17 incidents) and 65 percent indicated that the method was effective. In 2019, 25 officers used a Taser (in 23 incidents) and 52 percent indicated it was effective. In 2020, 21 officers used a Taser (in 20 incidents) and 43 percent indicated it was effective. “Limited” represents a Taser which does not make full contact on the subject or does not have an effect on the subject. CDP training section members stated the most common reasons that a Taser may be ineffective include no contact, bulky clothing, and/or a Taser striking a personal item such as a cell phone or a belt.

**Figure 8-2018-2020 Taser Effectiveness at the Officer Entry Level**



\*A single officer in 2019 selected both “yes” and “limited.”



Table 9-2018-2020 Incidents Involving Use of Deadly Force Information<sup>3</sup>

Case	Number of Involved Officer(s)	Number of Involved Subject(s)	Shots Fired	Hits	Was the subject armed?	Did the subject fire a weapon?
2018-01	1	1	2	2	No	N/A
2018-02	1	2	9	0	Yes	Yes
2019-01	4	1	Outside Agency*	Outside Agency*	Yes	Yes
2019-02	1	1	3	0	No-vehicle used as a weapon	N/A
2019-03	1	1	4	1	Yes	Yes
2019-04	1	1	4	0	Yes	No
2019-05	1	1	Outside Agency*	Outside Agency*	Yes	No
2019-06	1	1	2	0	Yes	No
2020-01	1	2	5	1	Yes-1 subject was armed	No
2020-02	1	2-1 suspect and 1 victim	1	0	Yes	Yes-suspect struck victim and fired weapon at officer
2020-03	2	1	2	0	Yes	Yes
2020-04	4	1	28	0	Yes	No
2020-05**	1	1	14 –CDP officer fired 2 shots	1-Subject hit by officer from another agency	Yes	No

\*Investigation is being handled by Cuyahoga County Sheriff's Office.

\*\*2020-05 involved multiple agencies, 2 of 14 shots fired were by CDP officer, and subject was hit by officer who fired weapon from another agency.

Table 9 provides background information regarding use of deadly force incidents. In 2018, there were 2 use of deadly force incidents, in 2019 there were 6 of these incidents, and in 2020 there were 5 of these incidents. The subject was armed in 1 of 2 incidents in 2018, 5 of the 6 incidents in 2019, and all 5 incidents in 2020. In 2018, the single armed subject fired a weapon, in both 2019 and 2020, 2 out of the 5 armed subjects fired a weapon.

<sup>3</sup> Settlement Agreement paragraph 259. I

Beginning in 2018, officers began utilizing subject resistance levels and types (definitions are available in the appendix). Table 10 displays subject resistance levels. CDP also added a “no resistance” category. As seen in Table 10, in 2018 the most common resistance level was active resistance, followed by no resistance, then aggressive physical resistance. In both 2019 and 2020, the most common resistance level was active resistance, followed by aggressive physical resistance, then no resistance. Passive resistance was the least common type of resistance across the three years.

**Table 10-2018-2020 Subject Resistance Levels**

<b>Resistance Level</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
No Resistance	157 (25%)	101 (15%)	81 (16%)
Passive Resistance	37 (6%)	45 (7%)	32 (6%)
Active Resistance	314 (50%)	374 (56%)	263 (53%)
Aggressive Physical Resistance	123 (19%)	145 (22%)	123 (25%)
Missing data	1 (0%)	0 (0%)	1 (0%)
Total	632 (100%)	665 (100%)	500 (100%)

Table 11 displays subject resistance types. Across all three years, the most common resistance types include attempt escape, break free from a control hold, fleeing, pull, resist handcuffing, resist restraint/hold, and tensing muscles.

Table 11-2018-2020 Subject Resistance Types

<b>Resistance Type</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Attempt to Disarm Member	3	2	3
Attempt to Harm Another	11	13	12
Attempt to Harm Officer	39	52	38
Attempt Escape	57	69	62
Attempt Suicide	6	3	3
Biting	8	16	12
Blunt Object Brandish	5	2	1
Blunt Object Use	2	0	0
Bodily Fluid-Threat	1	4	7
Bodily Fluid-Use	2	10	13
Bodyweight	31	43	41
Break Free Control Hold	50	55	47
Chemical Agent	1	0	0
Control Hold-Restraint	7	2	3
Control Hold-Takedown	3	2	0
Cues of Imminent Attack	33	27	24
Dangerous Ordinance	5	4	3
Dead Weight	38	36	37
Destroying Evidence	3	5	4
Disarming Member	0	3	0
Feet/Leg Kick/Knee	19	30	24
Feet/Leg Sweep	1	1	3
Fire	1	0	0
Fleeing	121	136	92
Harming Self	4	8	2
Hiding from detection	32	44	26
No Physical Resistance	24	18	38
Open Hand Strike	2	4	2
Passive Noncompliance	35	38	27
Pull	60	94	65
Punch/Elbow	16	23	7
Push	31	52	35
Resist Handcuffing	85	124	99
Resist Restraint/Hold	44	57	62
Strangle/Asphyxiation	0	0	1
Tensing Muscles	78	96	76
Weapon-Canine	0	0	1
Weapon-Edge Brandish	6	2	3
Weapon-Edge Use	2	0	2
Weapon-Edge Fire	0	0	0
Weapon-Firearm Fire	6	5	5
Weapon-Firearm Impact	1	0	1
Weapon-Firearm Point	13	8	7
Weapon-Taser/Stun Gun	0	1	0
Wrestling	20	28	9
<b>Total</b>	<b>906</b>	<b>1,117</b>	<b>900</b>

**Table 12-2018-2020 Subject Resistance Levels by Officer Force Levels**

Resistance Level	Force Level														
	Level-1 Firearm Point			Level-1 Other			Level-2			Level-3			Total		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
0-No Resistance	157	97	79	0	1	2	0	3	0	0	0	0	157	101	81
Level-1 Passive Resistance	29	41	28	5	2	2	2	1	2	1	1	0	37	45	32
Level-2 Active Resistance	98	129	67	113	96	81	94	141	104	9	8	11	314	374	263
Level-3 Aggressive Physical Resistance	36	21	7	27	31	27	47	77	66	13	16	23	123	145	123
Missing Data	0	0	1	0	0	0	0	0	0	1	0	0	1	0	1
Total	320	288	182	145	130	112	143	222	172	24	25	34	632	665	500

Table 12 compares officer force level to subject resistance level. Among “Level-1 Firearm Point”, “no resistance” accounts for the highest single category. However, when viewed altogether, passive, active, and aggressive physical resistance account for a higher total. Among “Level-1 Other”, at minimum 96 percent (sum of Level-2 and Level-3 resistance, divided by grand total resistance for each year) subject’s exhibited greater resistance levels than officer force level. Among level-2, at minimum 98 percent (sum of Level-2 and Level-3 resistance, divided by grand total resistance for each year) of subject’s exhibited resistance levels that were equal to or greater than officer force level. Among level-3, subject resistance levels were most likely at aggressive physical resistance (equal to force level) followed by active resistance. In other words, the overall force level used by officers was either lower than the resistance level used by subjects (Level-1 other) or equal to the resistance level (Level-2 and Level-3).

## Use of Force - Service Rendered

Service type represents the initial type of service for an incident. As seen in Table 13 below, most use of force incidents stemmed from a call for service. In 2018, 60 percent, in 2019, 68 percent, and in 2020, 67 percent, of all use of force incidents began with a call for service. In other words, most use of force incidents are reactive, wherein Cleveland police officers responded to a call for service. Other prevalent service type categories are officer observations of traffic and non-traffic stops.

**Table 13-2018-2020 Service Type at the Incident Level**

<b>Service Type</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Booking	3	1	1
Call for Service	221	251	181
District/Unit Assignment	27	14	14
Investigation-Detective	12	7	10
Observe/Non-Traffic Stop	31	29	18
Observe/Traffic Stop	51	39	28
Off Duty	3	3	3
Secondary Employment	13	16	5
Warrant Service	7	7	9
<b>Total</b>	<b>368</b>	<b>367</b>	<b>269</b>

\* Service type is measured at the incident level. There may be multiple service types in a single use of force incident.

Table 14-2018-2020 Top 3 Call Types among Use of Force Incidents by Force Level

Year	Call Type	Rank	Total	Level-1 Firearm Point	Level-1 Other	Level-2	Level-3
2018	Domestic Violence Assault/Threats Suspect on Scene	1	27	9	10	7	1
2018	Person threatening with a weapon	1	27	22	1	4	0
2018	Assist Police/Fire/EMS/Aux Non- Emergency	2	23	10	5	8	0
2018	Traffic Stop	2	23	11	4	8	0
2018	Shots Fired	3	19	17	0	2	0
2019	Domestic Violence Assault/Threats Suspect on Scene	1	39	8	10	19	2
2019	Traffic Stop	2	25	11	4	10	0
2019	Person threatening with a weapon	3	23	10	0	11	2
2019	Shots Fired	3	23	19	0	2	2
2020	Domestic Violence Assault/Threats Suspect on Scene	1	37	8	5	21	3
2020	Person threatening with a weapon	2	27	12	5	8	2
2020	Shots Fired	3	23	17	2	3	1

Table 14 displays the top 3 call types among use of force incidents. Across all three years, the top call type among use of force incidents consistently included domestic violence, person threatening with a weapon, traffic stop, and shots fired. Upon further examination use of force incidents that stemmed from a “domestic violence” call resulted in the following top three charges; ORC-offense against family, resisting arrest, and assault on a police officer. Additionally, among use of force incidents that started off as a

“traffic stop”, the top 3 charges were resisting arrest, ORC-weapons offense, and ORC-drug offense. Across those incidents started as “shots fired”, the top 3 charges were ORC-weapons charge, ORC-miscellaneous, and no charges. Specifically, 4 incidents that started as “shots fired” and resulted in “no charges”, involved a variety of circumstances. For example, one incident involved a male who was taking cover after hearing shots fired in close proximity to an area where officers were containing a homicide investigation that was unrelated to the shots fired. Additionally, assisting Police/Fire/EMS made the top 3 call types in 2018 however it did not make the list in 2019 or 2020. The data in this report is shared with the Training Section staff for use in developing training scenarios based on the most common use of force incidents encountered by CDP officers.

Tables 15 through 19, show the most common call types among use of force incidents across district. Not surprisingly, the most common call types among the citywide use of force incidents overlap across districts. Once broken down by district, several differences exist. For example, “Robbery in progress” made the list in Districts 1, 3 and 4. Also, “Place entered-Suspect on Scene” is on the list across Districts 1, 2, and 4.

**Table 15-2018-2020 Top Call Types for District 1**

<b>Call Type</b>	<b>Frequency</b>
<b><u>2018</u></b>	
Domestic Violence Assault/Threats Suspect on Scene	5
Assist Police/Fire/EMS	2
Felony Assault-Suspect on Scene/In Area	2
Person Carrying Weapon	2
Suicide Threats	2
Person Threatening with Weapon	2
Arrest (Officer Initiated)	2
<b><u>2019</u></b>	
Domestic Violence Assault/Threats Suspect on Scene	6
Shots Fired	4
Person Threatening with Weapon	3
Robbery in progress	3
Place entered-suspect on scene	3
<b><u>2020</u></b>	
Domestic Violence Assault/Threats Suspect on Scene	7
Person Threatening with Weapon	3

Place entered-suspect on scene	2
Robbery in progress	2
Arrest (Officer Initiated)	2
Trouble-unknown cause	2
Traffic Stop	2

**Table 16-2018-2020 Top Call Types for District 2**

<b>Call Type</b>	<b>Frequency</b>
<b><u>2018</u></b>	
Person Threatening with Weapon	9
Traffic Stop	7
Shots fired	5
<b><u>2019</u></b>	
Property Crime-Suspect on Scene	7
Domestic Violence Assault/Threats Suspect on Scene	6
Traffic Stop	6
Person Threatening with a Weapon	5
Place entered-suspect on scene	5
<b><u>2020</u></b>	
Domestic Violence Assault/Threats Suspect on Scene	9
Person Threatening with Weapon	7
Trouble-unknown cause	6

**Table 17-2018-2020 Top Call Types for District 3**

<b>Call Type</b>	<b>Frequency</b>
<b><u>2018</u></b>	
Assist Police/Fire/EMS	8
Domestic Violence Assault/Threats Suspect on Scene	5
Property Crime-Suspect on Scene	4
Felony Assault-Suspect on Scene/In Area	4
Robbery in progress	4
<b><u>2019</u></b>	
Assist Police/Fire/EMS	8
Domestic Violence Assault/Threats Suspect on Scene	8
Robbery in progress	7
Traffic Stop	5
Shots Fired	5
<b><u>2020</u></b>	
Domestic Violence Assault/Threats Suspect on Scene	7
Shots Fired	5
Person Threatening with Weapon	4



Table 18-2018-2020 Top Call Types for District 4

Call Type	Frequency
<b><u>2018</u></b>	
Domestic Violence Assault/Threats Suspect on Scene	6
Traffic Stop	6
Shots Fired	6
Person Threatening with a Weapon	5
Chase/Pursuit	4
Assist Police/Fire/EMS	4
Place entered-suspect on scene	4
Felony Assault-Suspect on Scene/In Area	4
<b><u>2019</u></b>	
Traffic Stop	8
Domestic Violence Assault/Threats Suspect on Scene	7
Felony Arrest	7
Robbery in progress	5
<b><u>2020</u></b>	
Traffic Stop	8
Domestic Violence Assault/Threats Suspect on Scene	8
Person Threatening with a Weapon	7
Assault-Suspect on Scene/In Area	5

Table 19-2018-2020 Top Call Types for District 5

Call Type	Frequency
<b><u>2018</u></b>	
Person Threatening with a Weapon	8
Domestic Violence Assault/Threats Suspect on Scene	8
Traffic Stop	7
Shots fired	7
Assist Police/Fire/EMS	5
Trouble-Unknown Cause	5
<b><u>2019</u></b>	
Domestic Violence Assault/Threats Suspect on Scene	12
Person Threatening with a Weapon	9
Shots Fired	8
<b><u>2020</u></b>	
Shots Fired	9
Domestic Violence Assault/Threats Suspect on Scene	6
Person Threatening with a Weapon	6
Trouble-Unknown Cause	3
GTMV In Progress-Just Occurred	3

## Subject Characteristics<sup>4</sup>

The American Community Survey through the U.S. Census Bureau estimates Cleveland's population at approximately 381,009 residents (July 2019 estimates). Females comprise 51.9 percent of the Cleveland population. Black or African American individuals make up 48.8 percent of the population, Whites make up 40.0 percent, and 4.4 percent of individuals identify as two or more races. The Hispanic population is estimated at 11.9 percent. Seventy-eight percent of the population is older than 18 years of age (American Community Survey).

The following section provides demographic information for subjects involved in use of force incidents including sex, race/ethnicity, and age.

Most use of force incidents involved one subject, however there were a number of incidents that involved multiple subjects. In 2018, 302 incidents involved a single subject and 33 incidents involved multiple subjects. Altogether, in 2018, 380 subjects were involved in 335 use of force incidents. In 2019, 317 incidents involved a single subject and 26 incidents involved multiple subjects. Altogether, in 2019, 374 subjects were involved in 343 use of force incidents. In 2020, 241 incidents involved a single subject and 19 incidents involved multiple subjects. Altogether, in 2020, 291 subjects were involved in 260 use of force incidents. As a result, the total number of subjects is higher than the number of use of force incidents. As seen in Table 20, use of force incidents mostly involve males. From 2018 to 2020, nearly nine out of every ten use of force incidents involve male subjects.

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<sup>4</sup> Settlement Agreement paragraph 259.c

**Table 20-2018-2020 Subject Sex**

	<b>2018</b>	<b>2019</b>	<b>2020</b>
Female	42 (11%)	45 (11%)	30 (10%)
Male	338 (89%)	331 (89%)	261 (90%)
Total	380 (100%)	374 (100%)	291 (100%)

Due to current restrictions in the data collection system, Hispanic appears as an option under the race variable<sup>5</sup>. The Cleveland Division of Police recognizes the term Hispanic as a description of ethnicity rather than race and until the issue can be addressed, it was decided not to exclude any group due to this error and rather analyze and report the data as collected. Officer race/ethnicity is measured in the same way, therefore the same limitations apply. When it comes to race/ethnicity, the data for all three years of the report are similar. Use of force incidents most likely involved Blacks, followed by Whites, and then Hispanic. With the exception of Black subjects and White subjects, percentages were consistent from 2018 to 2020. The percentage of Black subjects saw a nine percentage point decrease between 2018 and 2020, while the percentage of White subjects increased by eight points over the same time period.

**Table 21-2018-2020 Subject Race/Ethnicity**

<b>Race/Ethnicity</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Asian	1 (0.3%)	1 (0.3%)	0 (0%)
Black	302 (79%)	284 (76%)	204 (70%)
Hispanic	18 (5%)	22 (6%)	20 (7%)
Other	4 (1%)	2 (1%)	1 (0%)
White	50 (13%)	63 (17%)	62 (21%)
Missing Data	5 (1%)	2 (1%)	4 (1%)
Total	380 (100%)	374 (100%)	291 (100%)

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<sup>5</sup> Hispanic is included in the race drop down menu for both subjects and officers. However, the ethnicity drop down menu is only available among subjects. Therefore, if Hispanic is removed from the race drop down selection for subjects, it would also be removed for officers, which would remove Hispanic as an option for officers entirely. In order to include Hispanic officers, CDP decided to keep Hispanic under the race selection.

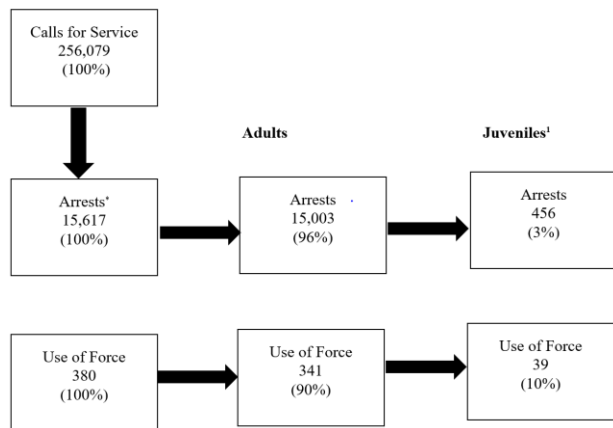
As seen in Table 22, across all three years, subjects were most likely between the ages of 18 and 29 years old. They were least likely to be over 50 years old across all three years. Juveniles made up between 7 and 10 percent of subjects involved in use of force incidents across all three years.

**Table 22-2018-2020 Subject Age Group**

<b>Age Group</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Under 18	39 (10%)	28 (7%)	22 (8%)
18-29	162 (43%)	164 (44%)	120 (41%)
30-39	91 (24%)	99 (26%)	70 (24%)
40-49	43 (11%)	48 (13%)	43 (15%)
50+	26 (7%)	14 (4%)	18 (6%)
Missing data	19 (5%)	21 (6%)	18 (6%)
<b>Total</b>	<b>380 (100%)</b>	<b>374 (100%)</b>	<b>291 (100%)</b>

Note: 2018 and 2019 data were updated after it was discovered that the formula utilized to calculate subject age rounded the number up across a small number of the total. This resulted in underreporting the number of juvenile subjects.

**Figure 9—2018 Citywide Arrest and Use of Force Totals among Adults and Juveniles**

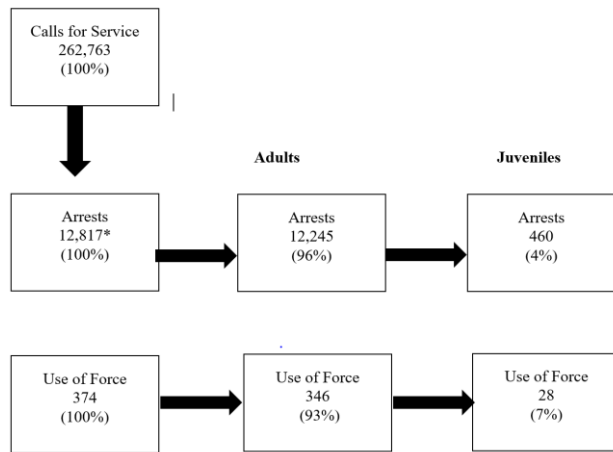


1 Juvenile is defined as any individual under 18 years of age.

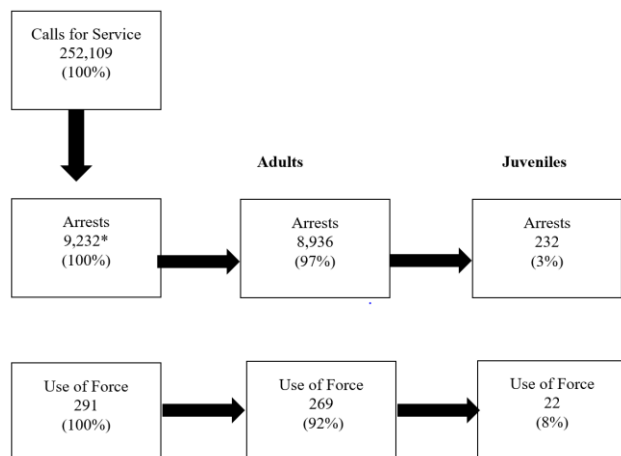
\*158 of 15,617 individuals arrested were missing the date of birth.

**Figure 10-2019 Citywide Arrest and Use of Force Totals among Adults and Juveniles**

\*112 of 12,817 individuals arrested were missing the date of birth.



**Figure 11-2020 Citywide Arrest and Use of Force Totals among Adults and Juveniles**



\*64 of 9,232 individuals arrested were missing the date of birth.

Figures 9 through 11 provide citywide numbers for calls for service as well as the total arrests and use of force incident counts by adults and juveniles. Across the three years, 96 to 97 percent of the total arrests made involved adults and 3 to 4 percent involved juveniles. From 2018 to 2020, adults consistently made up 90 to 93 percent of all subjects involved in use of force incidents and juveniles made up 7 to 10 percent.

**Table 23-2018-2020 Whether Subject was armed**

<b>Subject Armed</b>	<b>2018</b>		<b>2019</b>		<b>2020</b>	
No	199	52%	227	61%	175	60%
Yes	67	18%	50	13%	59	20%
Unknown	48	13%	42	11%	23	8%
Multiple Responses	66	17%	55	15%	34	12%
Total	380	100%	374	100%	291	100%

Table 23 displays whether the subject was armed during all use of force incidents. It is important to mention that 20 to 30 percent of the data regarding whether the subject was armed is either “unknown” or contains “multiple responses”, which refers to a single incident involving multiple officers who selected different responses. For example, a single incident with 2 officers, in which officer A selects “No” and officer B selects “Unknown” for whether subject was armed is considered “multiple responses”. CDP staff is working on improving the data collection of this measure. As seen in Table 23, the percentage of “multiple responses” has consistently declined. In 2018, 52 percent of subjects were not armed and 18 percent were armed. In 2019, 61 percent of subjects were not armed and 13 percent were armed. In the most recent year, 60 percent of subjects were not armed while 20 percent were armed.

**Table 24-2018-2020 Whether Subject was arrested**

<b>Subject Arrested</b>	<b>2018</b>		<b>2019</b>		<b>2020</b>	
No	84	22%	77	21%	72	25%
Yes	295	78%	297	79%	217	75%
Multiple Responses	1	0%	0	0%	2	1%
Total	380	100%	374	100%	291	100%

As seen in Table 24, a majority of subjects involved in use of force incidents were arrested. From 2018 to 2020, at least 3 out of every 4 subjects were arrested. Upon closer examination of incidents where the subject was not arrested, not one pattern was observed. Several incidents involved subjects who either fled and/or were experiencing behavioral crisis events and subsequently taken to the hospital instead of being placed under arrest.

### **Subject Charges**

Table 25 provides information regarding all charges against subjects in use of force incidents. In 2018, subjects involved in use of force incidents most commonly faced charges for “Resisting Arrest”, “City Misdemeanors”, and “Weapons Offenses”. In 2019, the most common charges against subjects involved in use of force incidents were “Resisting Arrest”, “Miscellaneous Offense”, and “Assault”. In 2020, the top charges were “Resisting Arrest”, “Weapons Offenses”, “Miscellaneous Offense”, and “Assault on Police Officer”. In 2018, there were no charges filed against 8 percent of subjects (31 out of 380). In 2019, there were no charges filed against 11 percent of subjects (41 out of 374). In 2020, there were no charges filed against 18 percent of subjects (54 out of 291). A closer examination regarding use of force incidents resulting in “no charges” involved a variety of unique circumstances, the most notable involved fleeing subjects. Overall, there were no discernible patterns among the incidents.

**Table 25-2018-2020 Subject Charges**

<b>Subject Charge</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Assault on Police Officer	35	49	51
Cleveland Codified Ordinance-Part 4 (Traffic)	22	21	12
Cleveland Codified Ordinance-Part 6 (City Misdemeanor)	64	56	38
Crisis Intervention-Pink Slip-CDP	29	28	25
Crisis Intervention-Pink Slip-MH	2	3	2
Crisis Intervention-Pink Slip-Probate Warrant	1	4	1
ORC-Assault	55	57	46
ORC-Arson Related Offense	2	0	6
ORC-Burglary	19	25	21
ORC-Corrupt Activity	1	1	0
ORC-Drug Offense	42	39	21
ORC-Fraud	1	0	0
ORC-Gambling	1	0	0
ORC-Homicide	2	3	1
ORC-Kidnapping	13	7	3
ORC-Miscellaneous Offense	48	64	51
ORC-Offense Against Justice	18	18	19
ORC-Offense Against Public Peace	17	20	14
ORC-Offense Against the Family	44	42	45
ORC-Robbery	41	41	10
ORC-Sex Offense	3	3	0
ORC-Theft	22	27	20
ORC-Title 45 (State Traffic)	4	3	0
ORC-Trespass	10	9	8
ORC-Weapons Offense	63	52	59
Obstructing Official Business	22	32	28
Resisting Arrest	99	114	95
Warrant-Felony	22	18	21
Warrant-Misdemeanor	12	10	5
No Charges	31	41	54
<b>Total</b>	<b>745</b>	<b>787</b>	<b>656</b>



Table 26 displays the officer’s perceived subject assessment at the entry level. The total is greater than the number of officer entries due to more than 1 subject per incident (as previously discussed in Table 1). Since subject assessment is defined by officer perception it is plausible, although uncommon, that a single incident involving multiple officers may contain different subject assessments. As seen in Table 26, most subjects were perceived as “Unimpaired”, followed by “Under Influence-Alcohol”, “Behavioral Crisis Event”, and “Under Influence-Drugs”.

**Table 26-2018-2020 Officer Perceived Subject Assessment at the Entry Level<sup>6</sup>**

<b>Officer Perceived Subject Assessment</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Behavioral Crisis Event	82	105	69
Known Medical Condition	3	0	4
Under Influence-Alcohol	106	172	106
Under Influence-Drugs	79	61	66
Unimpaired	360	337	292
Visible Physical Disability	5	0	0
Missing Data	22	12	1
<b>Total</b>	<b>657</b>	<b>687</b>	<b>538</b>

Tables 27 and 28 display subject injury and whether subject sought medical treatment. In 2018, 21 percent of subjects were injured and 30 percent sought medical treatment. In 2019, 23 percent of subjects were injured and 50 percent sought medical treatment. In the most current year, 30 percent of subjects were injured and 41 percent sought medical treatment.

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<sup>6</sup> Settlement Agreement paragraph 259.g

**Table 27-2018-2020 Subject Injury Status<sup>7</sup>**

<b>Subject Injury</b>	<b>2018</b>		<b>2019</b>		<b>2020</b>	
No	298	78%	287	77%	185	64%
Yes	79	21%	85	23%	88	30%
Multiple Responses	3	1%	2	1%	18	6%
Total	380	100%	374	100%	291	100%

**Table 28-2018-2020 Whether Subject sought Medical Treatment**

<b>Subject Sought Medical Treatment</b>	<b>2018</b>		<b>2019</b>		<b>2020</b>	
No	266	70%	185	49%	166	57%
Yes	114	30%	187	50%	118	41%
Multiple Responses	0	0%	2	1%	7	2%
Total	380	100%	374	100%	291	100%

Table 29 provides a description of subject injury. In both 2018 and 2020, the most common condition and injury type (and the second most common in 2019) was “Abrasion”, while “Pre-Existing Injury” was the most common condition and injury type in 2019. Across all three years of the report, “Behavioral Crisis-Confined”, “Pre-Existing Injury”, and “Laceration” were most often selected. It is important to mention that several of these categories are not a direct result of the force used in the incident. For example, “Self-Induced”, “Pre-Existing Injury”, “Behavioral Crisis-Confined” and, “Behavioral Crisis-Treated & Released” are all subject injury descriptions that are not directly related to the force used during the incident.

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<sup>7</sup> Settlement Agreement paragraph 259.j

**Table 29-2018-2020 Subject Condition & Injury Description**

<b>Condition and Injury Type</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Abrasion	36	32	42
Alcohol	N/A	11	8
Behavioral Crisis-Confined	23	23	18
Behavioral Crisis-Treated & Released	5	20	17
Bruise	1	4	5
Complaint of Injury	11	20	14
Complaint of Pain	10	18	17
Dislocation	1	1	0
Dog Bite-Puncture	0	1	0
Fatal	1	1	1
Fracture	1	3	3
Gunshot	1	7	6
Human Bite	0	0	1
Ingested Drugs	3	7	6
Laceration	14	15	18
Overdose	2	3	1
Pre-Existing Injury	11	35	21
Puncture	2	3	1
Puncture-Taser	11	18	13
Respiratory Distress	3	10	3
Self-Induced	6	6	4
Self-Inflicted	9	9	8
Soft Tissue Damage	1	3	2
Sprain/Strain/Twist	4	1	2
Unconscious	0	1	0
<b>Total*</b>	<b>156</b>	<b>252</b>	<b>211</b>

N/A were not an option in 2018. Therefore, this category should not be compared to data in 2019 and 2020.

\*This is a multi-selection field, therefore multiple condition and injury type(s) may be selected per individual.

## Officer Characteristics – Cleveland Division of Police

Tables 30 and 31 provide CDP Division Wide Officer Demographics by sex and race/ethnicity for the years 2018, 2019 and 2020. The Division wide totals are taken from the last week of each year.

**Table 30-2018-2020 CDP Department Wide Officer Demographics by Sex**

<b>Sex</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Female	251 (16%)	268 (16%)	261 (17%)
Male	1,351 (84%)	1,361 (84%)	1,303 (83%)
Total	1,602 (100%)	1,629 (100%)	1,564 (100%)

**Table 31-2018-2020 CDP Department Wide Officer Demographics by Race/Ethnicity**

<b>Race/Ethnicity</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Black	366 (23%)	364 (22%)	351 (22%)
Hispanic	140 (9%)	147 (9%)	144 (9%)
Other	22 (1%)	25 (2%)	22 (1%)
White	1,074 (67%)	1,093 (67%)	1,047 (67%)
Total	1,602 (100%)	1,629 (100%)	1,564 (100%)

## Officer Information<sup>8</sup>

CDP requires every officer involved in a use of force incident to fill out a use of force report. This section provides data at the officer level and therefore the numbers are different than the incident level. Table 32 displays the number of use of force incidents that involve a single officer versus multiple officers. From 2018 to 2020, about half of use of force incidents involve a single officer.

Figure 12 displays the total number as well as the individual number of officers involved in use of force incidents. For example, in 2018, 368 individual officers make up the total 612 officers involved in use of force incidents. Likewise, in 2019, 392 individual officers make up the total 649 officers involved in use of force incidents. For 2020, 287 individual officers account for 459 officers involved in use of force incidents.

**Table 32-2018-2020 Number of Use of Force Incidents involving Single and Multiple Officers**

	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>Single Officer</b>	170 (51%)	165 (48%)	136 (52%)
<b>Multiple Officers</b>	165 (49%)	178 (52%)	124 (48%)
<b>Number of Incidents</b>	335 (100%)	343 (100%)	260 (100%)

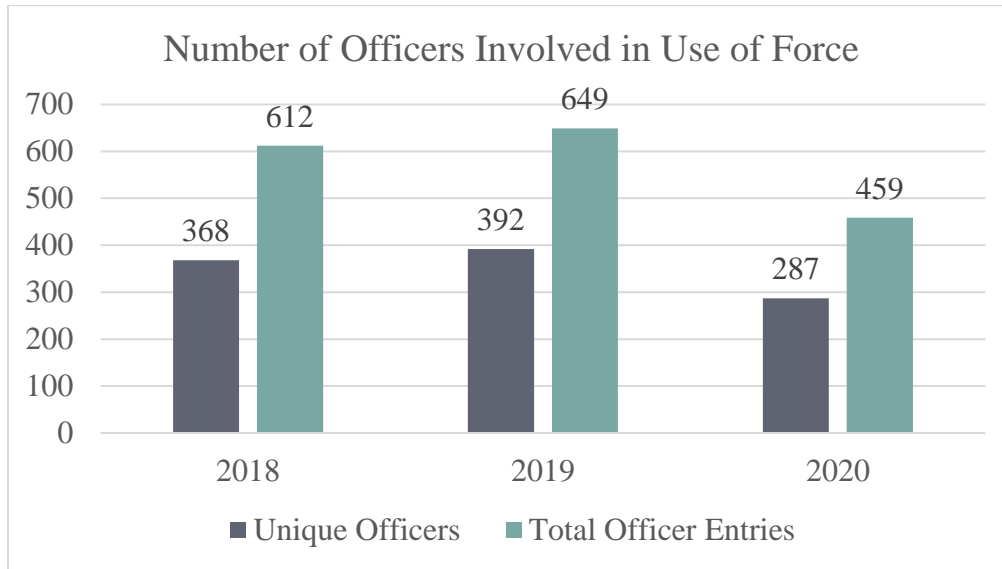
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**As seen in Table 32,  
about half of the use of  
force incidents  
involved a single  
officer**

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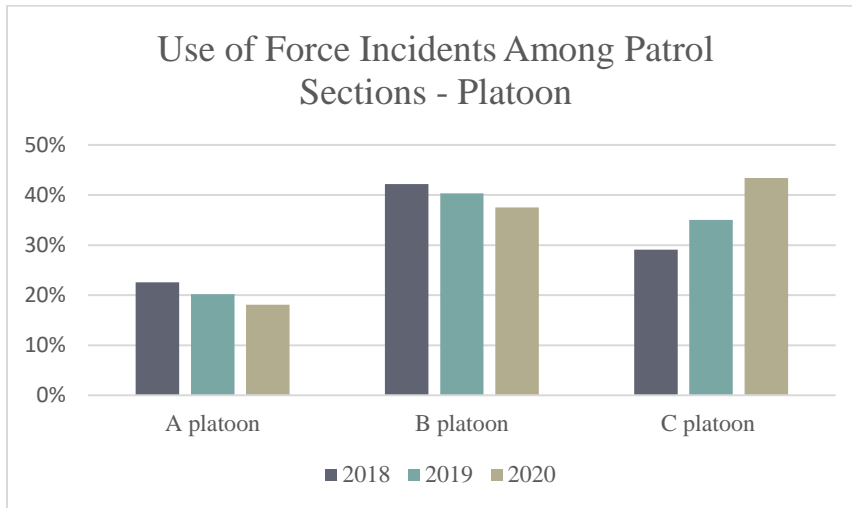
<sup>8</sup> Settlement Agreement paragraph 259.d

**Figure 12-2018-2020 Number of Unique Officers among Total Officers involved in Use of Force Entries**



Most officers involved in use of force incidents were assigned to the Patrol Section at 85 percent in 2018, 89 percent in 2019, and 85 percent in 2020. There are three assigned shifts in patrol including first shift (0700 to 1500hrs and 0800 to 1600hrs), second shift (1400 to 2400hrs and 1500 to 0100hrs), and third shift (2100 to 0700hrs and 2200 to 0800hrs). As seen in Figure 13, in 2018 use of force incidents among Patrol Officers most often occurred during second shift at 42 percent, followed by third shift at 29 percent, and finally 23 percent occurred during first shift. Similarly, in 2019, the most occurred during second shift at 40 percent, followed by third shift at 35 percent, and the least occurred on first shift at 20 percent. Unlike the previous two years, in 2020 the most occurred during the third shift at 43 percent, followed by second shift at 38 percent, and the least occurred during the first shift at 18 percent. It is noteworthy to mention that the total does not sum up to 100 percent because a small percentage of officers assigned to specialized units e.g. Vice Unit and Downtown Service Unit fall outside of A, B, and C platoons.

**Figure 13 - Use of Force Incidents among Patrol Sections - Platoon**



As seen in Table 33, approximately 90 percent of use of force incidents involved male officers in all three years of the report. As far as race/ethnicity, most use of force incidents involved White, followed by Black, and Hispanic officers (Table 34). This is in line with the department wide racial/ethnic makeup (as seen in Table 31).

**Table 33-2018-2020 Officer Sex**

<b>Sex</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Female	48 (8%)	45 (7%)	51 (11%)
Male	564 (92%)	604 (93%)	408 (89%)
Total	612 (100%)	649 (100%)	459 (100%)

**Table 34-2018-2020 Officer Race/Ethnicity**

<b>Race/Ethnicity</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Asian	1 (0.2%)	0 (0%)	0 (0%)
Black	92 (15%)	89 (14%)	83 (18%)
Hispanic	48 (8%)	42 (6%)	41 (9%)
Other	13 (2%)	14 (2%)	11 (2%)
White	458 (75%)	504 (78%)	324 (71%)
Total	612 (100%)	649 (100%)	459 (100%)

Table 35, displays officer age beginning with 21, the minimum age of hire for a Cleveland police officer. In 2018, most officers involved in use of force were between 30 and 39 years old followed by the 21 to 29 year old age group. In 2019, most officers involved in use of force were between 21 to 29 and 30 to 39 age groups. The reverse was true in 2020, with officers in the 21-29 age group most involved in use of force incidents, followed by officers in the 30-39 age bracket. The percentage of officers in the 30-39 age group remained consistent across all three years of the report. Among use of force, the percentage of officers in the 21-29 age group has continually increased, while the percentage of officers in the 40-49 age group has declined across all three years.

**Table 35-2018-2020 Officer Age Group**

<b>Officer Age Group</b>			
	<b>2018</b>	<b>2019</b>	<b>2020</b>
21-29	177 (29%)	240 (37%)	186 (41%)
30-39	226 (37%)	241 (37%)	169 (37%)
40-49	145 (24%)	102 (16%)	56 (12%)
50+	64 (11%)	66 (10%)	48 (10%)
Total	612 (100%)	649 (100%)	459 (100%)



Tables 36 and 37 display officer injury status and whether the officer sought medical treatment. In 2018, 10 percent of officers were injured during a use of force incident and 9 percent sought medical treatment. In 2019, 11 percent of officers were injured and 10 percent sought medical treatment. In the most recent year, 7 percent of officers sustained injuries while 10% sought medical treatment for them. A higher percentage of officers sought medical treatment than those injured mostly due to being bitten or “exposure”. For example, an officer may have been exposed to bodily fluid and went to the hospital yet indicated no injury.

**Table 36-2018-2020 Officer Injury Status<sup>9</sup>**

<b>Injury</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
No	550 (90%)	576 (89%)	427 (93%)
Yes	62 (10%)	73 (11%)	32 (7%)
Total	612 (100%)	649 (100%)	459 (100%)

**Table 37-2018-2020 Whether Officer sought Medical Treatment**

<b>Sought Medical Treatment</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
No	555 (91%)	583 (90%)	414 (90%)
Yes	57 (9%)	66 (10%)	45 (10%)
Total	612 (100%)	649 (100%)	459 (100%)

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<sup>9</sup> Settlement Agreement paragraph 259.j

Table 38 displays officer condition and injury types. An officer can make multiple selections among condition and/or injury type. Across all three years of the report, officers most commonly reported “Abrasions”, “Bodily Fluid/Exposure”, “Bruise” and “Sprain/Strain/Twist” as injuries resulting from a use of force incident.

**Table 38-2018-2020 Officer Condition & Injury Description**

<b>Condition &amp; Injury Type</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Abrasion	18	19	15
Bodily Fluid/Exposure	9	11	9
Bruise	7	11	8
Concussion	2	2	0
Dislocation	1	0	0
Fracture	1	0	0
Human Bite	2	7	4
Laceration	6	5	2
Puncture	0	1	0
Respiratory Distress	1	0	0
Soft Tissue Damage	9	4	4
Sprain/Strain/Twist	7	11	4
Unconscious	0	1	0
<b>Total*</b>	<b>63</b>	<b>72</b>	<b>46</b>

\*This is a multi-selection field, therefore multiple condition and injury type(s) may be selected per officer.

## Timeline for Use of Force Reviews<sup>10</sup>

CDP conducts a full review of all use of force incidents. All use of force incidents are initially investigated by the immediate supervisor, continue through the Chain of Command, and finish with the Chief of Police. Table 39 provides summary statistics for 2018 to 2020 completed entries by force level. Across all force levels, the average and median days to completion consistently declined from 2018 to 2020. On average, in 2018 use of force entries took 114 days to complete, compared to 85 days in 2019, and 70 days to complete in 2020. Also, the median days to completion for all entries decreased from 74 days in 2018 to 62 days in 2019 to 55 days last year. The time to review use of force entries varies by the level of force, whereby the higher the force level the longer the review process. For example, Level-3 entries took the longest to review followed by Level-2 and then Level-1 entries.

**Table 39-2018-2020 Summary Statistics among Completed Use of Force Entries**

<b>Summary Statistics Among Completed Use of Force Entries</b>															
<b>Force Level</b>	<b>Minimum</b>			<b>Maximum</b>			<b>Average</b>			<b>Median</b>			<b>Total (# of Entries)</b>		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Level-1 Pointing Firearm	8	11	4	773	378	351	89	67	60	63	52	50	275	259	139
Level-1 Other	18	18	13	691	392	392	96	68	72	76	62	61	158	137	103
Level-1 (Total)	8	11	4	773	392	392	91	71	65	69	57	55	433	396	242
Level-2	22	17	14	547	441	392	106	95	76	89	70	52	153	226	159
Level-3	5	24	30	940	397	159	527	211	74	523	176	68	26	25	21
<b>Total</b>	<b>5</b>	<b>11</b>	<b>4</b>	<b>940</b>	<b>441</b>	<b>392</b>	<b>114</b>	<b>85</b>	<b>70</b>	<b>74</b>	<b>62</b>	<b>55</b>	<b>612</b>	<b>647*</b>	<b>422**</b>
*2 of 649 entries remain open as of March 26, 2021															
**38 of 460 entries remain open as of March 26, 2021															
Note: At the time the report is prepared not all use of force entries have been reviewed, therefore, in future reports, this Table may be updated.															

<sup>10</sup> Settlement Agreement paragraph 259.m

## Use of Force Policy Violations

Table 40-2018 Use of Force Policy Violations

2018 Use of Force Policy Violations		
Incident Number	Nature of Allegation	Action Taken
2018-01	Policy Violation - Other	Verbal Counseling
2018-02	Policy Violation - Other	Letter of Re-instruction
2018-03	Policy Violation- Wearable Camera System	1 day suspension
2018-04	Policy Violation - Other	Verbal Counseling
2018-05	Policy Violation - Other	Verbal Counseling
2018-06	Policy Violation - Other	Verbal Counseling
2018-07	Policy Violation - Other	Verbal Counseling
2018-08	Policy Violation- Wearable Camera System	Verbal Counseling
2018-09	Policy Violation-Use of Force	Verbal Counseling
2018-10	Policy Violation - Other	Verbal Counseling
2018-11	Policy Violation - Other	Verbal Counseling
2018-12	Policy Violation - Other	Verbal Counseling
2018-13	Policy Violation-Use of Force	Verbal Counseling
2018-14	Policy Violation- Wearable Camera System	9 day suspension
2018-15	Policy Violation - Other	Verbal Counseling
2018-16	Policy Violation - Other	Letter of Re-instruction
2018-17	Policy Violation- Wearable Camera System	1 day suspension
2018-18	Policy Violation-Use of Force	3 day suspension, Re-training
2018-19	Policy Violation-Use of Force	Re-training
2018-20	Policy Violation - Other	Verbal Counseling
2018-21	Policy Violation - Other	Verbal Counseling
2018-22	Policy Violation-Use of Force	Re-training
2018-23*	Policy Violation-Use of Force	Verbal Counseling

2018-24*	Policy Violation-Use of Force	Re-training
2018-25	Policy Violation - Other	Verbal Counseling
2018-26	Policy Violation- Wearable Camera System	Verbal Counseling (4 officers)
2018-27	Policy Violation - Other	Verbal Counseling

Note: A single incident may involve multiple officers and multiple actions taken. Also, at the time the report is prepared not all use of force entries have been reviewed, therefore, in future reports, this Table may be updated. \*2018-23 and 2018-24 were inaccurately labeled as 2 separate incidents but are actually the same incident. There are a total of 26 rather than 27 incidents.

Tables 40 to 42 document policy violations that contain several categories under the “Nature of Allegation”. Only the “Use of Force” refers to a violation that is directly associated with the use of force. Table 40 displays the 27 policy violations for the 2018 use of force incidents. The nature of the allegation describes the policy violation and the classifications include “Wearable Camera System”, “Other”, and “Use of Force”. Of the total, 5 were classified as “Wearable Camera System”, 15 were classified as “Other” and 7 were classified as “Use of Force”. In terms of Action Taken, 18 resulted in “Verbal Counseling”, 6 resulted in “Re-training or Re-instruction”, and 4 resulted in “Suspension”.

Table 41 displays the 17 policy violations for the 2019 use of force incidents. Of the total, 6 were classified as “Wearable Camera System”, 5 as “Other”, 5 as “Use of Force”, and 1 as “Improper Tactics”. For the Action Taken, 6 resulted in “Verbal Counseling”, 6 resulted in “Suspension”, 5 in “Re-Training or Re-instruction”, 1 resulted in “Written Reprimand”, and 1 resulted in “Termination”.

Table 42 displays the 15 policy violations for the 2020 use of force incidents. Of the total, 7 were classified as “Wearable Camera System”, 4 as “Other”, 4 as “Use of Force”, and 1 as “Secondary Employment”. For the Action Taken, 7 resulted in “Verbal Counseling”, 3 resulted in “Suspension”, 1 resulted in “Dismissed”, 1 resulted in “Resigned”, 1 resulted in “Letter of Re-instruction”, and 3 are “Pending Hearing”.

Table 41-2019 Use of Force Policy Violations

<b>2019 Use of Force Policy Violations</b>		
<b>Incident Number</b>	<b>Nature of Allegation</b>	<b>Action Taken</b>
2019-01	Policy Violation - Other	Retraining (2 officers)
2019-02	Policy Violation-Other	1 day suspension
2019-03	Policy Violation- Wearable Camera System	1 day suspension
2019-04	Policy Violation- Wearable Camera System	1 day suspension
2019-05	Policy Violation-Other	Verbal Counseling
2019-06	Policy Violation-Use of Force	Verbal Counseling
2019-07	Policy Violation- Wearable Camera System	1 day suspension
2019-08	Policy Violation-Other	Letter of Re-instruction
2019-09	Policy Violation-Other	Verbal Counseling
2019-10	Policy Violation- Wearable Camera System	Letter of Re-instruction
2019-11	Improper Tactics	Verbal Counseling
2019-12	Policy Violation- Wearable Camera System	Letter of Re-instruction
2019-13	Policy Violation-Use of Force	2 day suspension
2019-14	Policy Violation-Use of Force	Termination
2019-15	Policy Violation-Use of Force	Written Reprimand, Retraining
2019-16	Policy Violation-Use of Force	Verbal Counseling
2019-17	Policy Violation- Wearable Camera System	Verbal Counseling, 1 day suspension (2 officers)

Note: A single incident may involve multiple officers and multiple actions taken. Also, at the time the report is prepared not all use of force entries have been reviewed, therefore, in future reports, this Table may be updated.

**Table 42-2020 Use of Force Policy Violations**

<b>2020 Use of Force Policy Violations</b>		
<b>Incident Number</b>	<b>Nature of Allegation</b>	<b>Action Taken</b>
2020-01	Policy Violation –Secondary Employment	Dismissed
2020-02	Policy Violation-Wearable Camera System	Letter of Re-instruction
2020-03	Policy Violation-Use of Force and Policy Violation-Other	1 day suspension and Verbal Counseling (2 officers)
2020-04	Policy Violation- Other	Verbal Counseling
2020-05	Policy Violation-Wearable Camera System	Verbal Counseling
2020-06	Policy Violation-Other	Pending Hearing
2020-07	Policy Violation- Use of Force	Pending Hearing
2020-08	Policy Violation- Wearable Camera System	1 day suspension (2 officers)
2020-09	Policy Violation- Wearable Camera System	1 day suspension
2020-10	Policy Violation- Use of Force	Verbal Counseling (2 officers)
2020-11	Policy Violation- Wearable Camera System	Verbal Counseling
2020-12	Policy Violation- Wearable Camera System	Verbal Counseling
2020-13	Policy Violation- Wearable Camera System	Resigned
2020-14	Policy Violation-Use of Force	Pending Hearing
2020-15	Policy Violation-Other	Verbal Counseling

Note: A single incident may involve multiple officers and multiple actions taken. Also, at the time the report is prepared not all use of force entries have been reviewed, therefore, in future reports, this Table may be updated.

## Use of Force Incidents-May 30-31<sup>st</sup>

The use of force incidents that occurred on May 30<sup>th</sup> and May 31<sup>st</sup> are included in this section of the report and not included anywhere else in the rest of the report. There were 6 use of force incidents that occurred on May 30-31<sup>st</sup>. Altogether, there were 35 officer entries making up the 6 use of force incidents. These involved 30 individual Cleveland Division of Police personnel (1 officer had 4 entries) and there were 2 entries involving outside agency members (totaling 35 officer entries). As seen in Figure 14, there were a total of 2 level-1 entries, 31 level-2 entries, and 2 level-3 entries. Table 43 displays the force types used on May 30-31<sup>st</sup> by CDP personnel and the outside agency members.

Figure 14-Use of Force Entries Levels for May 30-31<sup>st</sup>

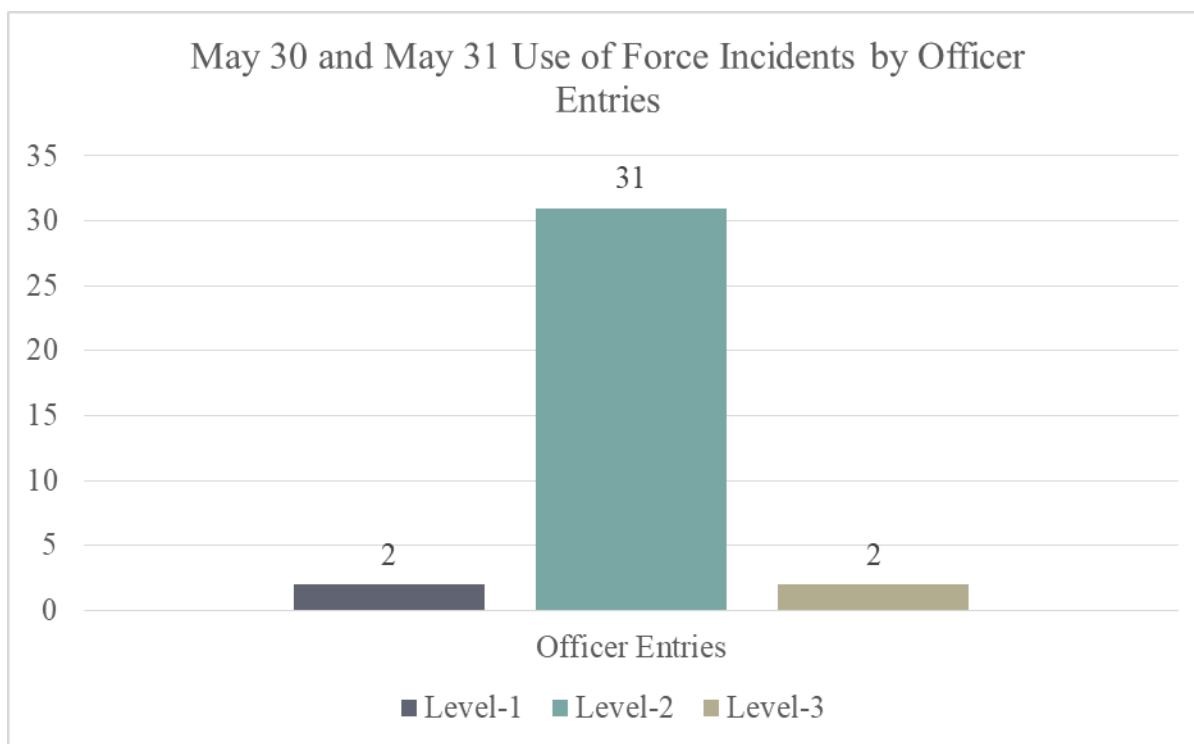




Table 43-Force Types Used on May 30-31<sup>st</sup>

<b>May 30 and May 31 Force Types</b>				
<b>Force Type</b>	<b>CDP</b>		<b>Outside Agency</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
40mm exact impact sponge	5	7%	1	25%
40mm Gas OC/CS	6	8%	1	25%
40mm Short Range OC	2	3%	0	0%
40mm Short Range Smoke	4	5%	0	0%
ASP Baton	1	1%	0	0%
Baton-ASP-Impact	1	1%	0	0%
Bicycle-Push	2	3%	0	0%
Body Weight	1	1%	0	0%
CEW	1	1%	0	0%
Chemical Agent-OC Spray	9	12%	0	0%
Chemical Agent-Other	3	4%	0	0%
FIT-Head Strike	1	1%	0	0%
Inert Rubber Blast Ball	11	15%	0	0%
Joint Manipulation	3	4%	0	0%
Pepperball-Impact	4	5%	1	25%
Pepperball-Saturation	5	7%	1	25%
Pressure Point	1	1%	0	0%
Riot Baton	1	1%	0	0%
Shield	1	1%	0	0%
Tackling/Takedown	2	3%	0	0%
Throwable Grenade OC	5	7%	0	0%
Throwable Grenade Smoke	5	7%	0	0%
<b>Total</b>	<b>74</b>	<b>100%</b>	<b>4</b>	<b>100%</b>

## **Goals - 2021**

This is the 4<sup>th</sup> annual Use of Force Report that covers parameters set forth in the Settlement Agreement. CDP personnel and the Data Team are consistently looking for ways to improve data collection efforts and utilize the data collected by its officers. Below are a set of 2021 goals the Cleveland Division of Police have set forth pertaining to Use of Force reporting.

### **Goal 1. Continue Improving Data Collection Efforts**

Continue collaborating with CDP staff to improve data measures and collection efforts, as the City continues to meet the requirements of the settlement agreement.

### **Goal 2. Continue Development of CompStat**

Continue holding monthly use of force CompStat meetings for CDP staff.

### **Goal 3. Collaboration with CDP District Personnel on CompStat**

Continue working with District Captains on improving CompStat.

### **Goal 4. Implementation of District Data Briefs**

CDP is working closely with researchers from Case Western Reserve University's Begun Center on implementing quarterly district data briefs and community briefs (which will be made available on the City website).

### **Goal 5. Technical Assistance to Officer Intervention Program**

Begin efforts to develop systems to collect Officer Intervention Program (OIP) data for all data points listed in Settlement Agreement paragraph 328, including helping set OIP thresholds and reporting mechanisms.

### **Goal 6. Technical Assistance to Force Review Board**

Provide technical assistance to the newly formed Force Review Board (FRB).

### **Goal 7. Sharing Findings with the Public**

CDP plans on posting more content to its website for public consumption.

### **Goal 8. Sharing Findings with the Officers**

CDP continues to look for ways to share updated use of force data to its officers.

### **Goal 9. Developing specialized reports for units across the Division.**

The Data Team is working on generating reports for members of the Division on a quarterly basis.

**Goal 10. Continuing to improve the quality of collected and stored data.**

The Data Team continues to work closely with CDP's Software Administrators on ways of improving and streamlining data entry among officers.

## Appendix 1

The material below outlines CDP's Use of Force Policies and Procedures. In previous reports, it was covered in the introduction section, and since no changes have been made to the Division's Use of Force Policies and Procedures the information is contained in Appendix 1 of this report.

### Revision of Use of Force Policies and Procedures

On November 16, 2016, the Monitor filed a motion recommending approval of five revisions to CDP's "Use of Force" policies. The five revised policies addressed include the following:

- (1) Use of Force: Definitions 2.01.01
- (2) De-Escalation 2.01.02
- (3) Use of Force: General 2.01.03
- (4) Use of Force: Intermediate Weapons 2.01.04
- (5) Use of Force: Reporting 2.01.05

Since that motion was filed, CDP and the City of Cleveland have accomplished significant gains in the five policy areas, which are summarized below.

#### 1. Clarification of Use of Force Definitions

A separate policy was drafted and defines various terms used in CDP's Use of Force Policies. The definitions ensure understanding of certain terms and concepts that are used throughout the Use of Force policies. (Dkt. 88-1, Use of Force Definitions Policy). Considering the above described "General" policy (Dkt. 83-1), the Definitions policy (Dkt. 88-1) provides useful definitional context:

**Force:** Means the following actions by an officer: any physical strike, (e.g., punches, kicks), any intentional contact with an instrument, or any physical contact that restricts movement of a subject. The term includes, but is not limited to, the use of firearms, Conducted Electrical Weapon (CEW e.g. Taser), ASP baton, chemical spray (Oleoresin Capsicum (OC) Spray), hard empty hands, or the taking of a subject to the ground. Reportable force does not include escorting or handcuffing a subject, with no more than minimal resistance.

- **Necessary:** Officers will use physical force only when no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to effect a lawful purpose.
- **Proportional:** To be proportional, the level of force applied must reflect the totality of circumstances surrounding the immediate situation, including the presence of an imminent danger to officers or others. Officers must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied.

Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater level of force that may be proportional, objectively reasonable, and necessary to counter it.

## 2. De-Escalation

The Settlement Agreement recognized that CDP officers would “use de-escalation techniques whenever possible and appropriate.” (Dkt. 7-1, ¶46). De-escalation is defined in the “Use of Force: Definitions” policy as:

“The process of taking action to stabilize the situation and reduce the immediacy and level of a threat so that more time, options, and resources are available to resolve the situation and gain voluntary compliance. De-escalation techniques may include, but are not limited to, gathering information about the incident, assessing the risks, verbal persuasion, advisements and warnings, and tactical de-escalation techniques, such as slowing down the pace of the incident, waiting out subjects, creating distance (reactionary gap) between the officer and the threat, repositioning, and requesting additional resources (e.g., specialized CIT officers or negotiators)” (Dkt. 88-1).

CDP’s separate and now approved De-Escalation policy establishes “guidelines for officers of the Cleveland Division of Police relative to deescalating situations in order to gain voluntary compliance and to reduce the need to use force.” (Dkt. 88-2, De-Escalation Policy). It is recognized as a matter of policy concerning the employment of de-escalation principles that:

*“Officers have the ability to impact the direction and outcome of the situation with their decision making and employed tactics. Policing, at times, requires that an officer may need to exercise control of a violent or resisting subject, or a subject experiencing a mental or behavioral crisis. At other times, policing may require an officer to serve as a mediator between parties, or defuse a tense situation. Officers shall use de-escalation tactics and strategies when safe under the totality of the circumstances and time and circumstances permit” (Dkt. 88-2).*

## 3. Use of Force - General

The purpose of CDP’s General use of force policy is 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. A concise overview of the policy guidelines adopted with the General policy provides:

*“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” (Dkt. 83 at p. 2).*

#### **4. Use of Force: Intermediate Weapons**

Intermediate Weapons are defined by way of policy as “[w]eapons that interrupt a subject’s threatening behavior so that officers may take control of the subject with less risk of injury to the subject or officer than posed by greater force applications, including but not limited to the ASP batons, and Conducted Electrical Weapon (CEW), Oleoresin Capsicum (OC) Spray and the beanbag shotgun.” (Dkt. 88-1, Definitions).

The separate policy addressing “Intermediate Weapons” was “to establish guidelines for officers of the Cleveland Division of Police relative to the use of force when deploying intermediate weapons, while providing direction and clarity, in those instances when a subject’s actions require a use of force response.” (Dkt. 83-4, Use of Force: Intermediate).

#### **5. Use of Force: Reporting**

Paragraphs 257-268 of the Settlement Agreement address items that improve the data collection, analysis, and reporting capacity of CDP for a number of use of force-related data points.

#### **New Use of Force Collection Variables**

On January 1, 2018 a General Police Order (GPO) was issued with a purpose of defining terminology used in the Use of Force policies and procedures. In addition to previously stated clarifications concerning Use of Force definitions, specific sections of the GPO established a standard for “Levels of Force” and “Levels of Resistance”. At the start of 2018, CDP began to collect data to measure and analyze specific variables related to these definitions.

The GPO breaks down Levels of Force into 3 categories; Level 1 Use of Force, Level 2 Use of Force, and Level 3 Use of Force.

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

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

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

The GPO also defines Levels of Subject Resistance into 3 categories; Passive Resistance, Active Resistance and Aggressive Physical Resistance.

**Passive Resistance:** Refers to instances in which a subject does not comply with an officer's commands and is uncooperative but is nonviolent and prevents an officer from placing the subject in custody and/or taking control. Passive resistance may include but is not limited to standing stationary and not moving upon lawful direction, falling limply and refusing to move (dead weight), holding onto a fixed object, linking arms to another during a protest or demonstration, or verbally signaling an intention to avoid or prevent being taken into custody.

**Active Resistance:** Refers to instances in which a subject takes physical actions to defeat an officer's attempts to place the subject in custody and/or take control, but is not directed toward harming the officer. Active resistance may include but is not limited to pushing away, hiding from detection, fleeing, tensing arm muscles to avoid handcuffing or pulling away from an officer who is using force in the lawful performance of their duties. Verbal statements alone do not constitute active resistance.

**Aggressive Physical Resistance:** Refers to instances in which a subject poses a threat of harm to the officer or others, such as when a subject attempts to attack or does attack an officer; exhibits combative behavior.

## Electronic Database Containing Use of Force Data

In addition, the Settlement Agreement provides that:

*"The Data Analysis and Collection Coordinator will ensure the creation and maintenance of a reliable and accurate electronic system to track all data derived from force-related documents" (§259).*

## Quality Assessment

The implementation of the electronic databases allows for electronic tracking of Use of Force data - an improvement to the efficiency, quality, and reliability of the data collection systems. By developing mapping specifications and achieving data integration, CDP has increased reporting capacity and the effectiveness of data analysis within the division. Since the implementation of new data collection systems, CDP has improved on mapping all data elements, identifying sources of data, data formats, and potential overlap between multiple data

points collected. While the assessment of data systems is an ongoing process, CDP has already made significant strides toward improving systems of data collection and analysis.

*“The Data Analysis and Collection Coordinator will be responsible for the annual assessment of forms and data collection systems to improve the accuracy and reliability of data collection. This assessment will be provided to the Monitor” (§262).*

CDP staff continually assesses internal forms and data collection systems to improve the accuracy and consistency of all data collection efforts. For example, in 2015, officers entering a Use of Force Report were given 18 different selections for “Service Type”, which provides how the use of force incident began. By 2017, 9 selections were available. Table 1 displays all Service Type selections available in 2015 and the options in bold are those that were still available in 2017. These changes were made to improve the characterization of the type of service being rendered at the time of the incident. With all 18 available selections, there was too much ambiguity between the options provided. For instance, “Assignment” and “District/Unit Assignment” are too similar to differentiate. Furthermore, “Arrest Warrant”, “Search Warrant”, and “Warrant Service” are in many cases indistinguishable which leads to a misrepresentation of collected data and frequencies. The 9 remaining selections allow the officer to accurately enter the type of service being rendered during the use of force incident.

This reduction in variable options allows the officer entering the Use of Force Report to decide between easily identifiable options with no ambiguity. All changes were made in the best interest of all parties involved to accurately and consistently record the use of force data in a useful manner to officers, the public, and the administration of the CDP. As stated before, this is an ongoing process of quality assurance and the Use of Force Report will continue to be a tool for analyzing the processes and procedures of data collection systems to ensure the best practices for all key stakeholders.

## Reference

American Community Survey  
<https://www.census.gov/quickfacts/fact/table/clevelandcityohio/PST045219>