



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Safety
Division of Police
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August 16, 2021

Executive Director Jason Goodrick
Cleveland Police Commission
3631 Perkins Ave. 3rd Fl.
Cleveland, OH 44114

Director Goodrick,

As part of the annual review of Settlement Agreement policies the Division of Police solicited recommendations from the Cleveland Police Commission (CPC) as we reviewed the Use of Force – General and the Use of Force – Intermediate Weapons policies during the month of April.

In a memorandum dated April 9, 2021 from the CPC Chair of the Search and Seizure Work group, Gordon Friedman, the CPC noted that they had no additional recommendations regarding the Use of Force – General policy but attached two 2016 letters from the ACLU for consideration.

In addressing the letters from the ACLU from 2016, there has been further progress in many areas of the settlement agreement, as well as all of the Use of Force policies being approved by Federal Judge Oliver that would address the noted concerns. The ACLU noted concern that officer be protected from retaliation when reporting uses of force that may be out of policy, these concerns were addressed with the approval of the Retaliation Prohibited policy that was approved by Judge Oliver and effective February 21, 2020. Other areas of concern listed in the ACLU letters were discussed at length during the drafting process of the Use of Force policies such as the unholstering/pointing of a firearm and were reviewed during this annual process, but did not result in recommendation for revision of the Use of Force – General policy.

The CPC memorandum included two recommendations for review involving the Use of Force – Intermediate Weapons policy:

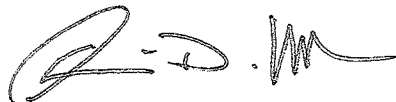
- 1.) Adopt all of the Monitoring Teams recommendations regarding use of intermediate weapons pursuant to the investigation of May 30th protests.

The Division is currently revising its policies regarding Crowd Management and any revisions to the use of intermediate weapons during crowd situations will be addressed in those policies.

- 2.) Prohibit use of ECS's on all children and in school environments except in instances where lethal force is authorized. The current language prohibits use of ECS's only on "small children." Small children is undefined and subjective. Paragraph 66 of the Settlement Agreement states that "will not use" ECW's on a "child" except in instances where "lethal force is authorized." The CPC and its partners recognize that ECS use on juveniles is a rare occurrence however we believe this should be brought into compliance via the language in the Settlement Agreement.

This recommendation and paragraph 66 of the Settlement Agreement were considered during the drafting process for the Use of Force – Intermediate Weapons policy. The Division has maintained and the parties to the Settlement Agreement came to consensus that prohibiting the use of the CEW against a "child" was not a best practice and could lead to more serious outcomes for both officers and the child involved. The consensus was to include the descriptor "small" before child, as well as including consideration of the size of the subject by officers before deploying a CEW as a requirement in the policy. This consensus was ultimately approved by Judge Oliver. Also, prohibiting the use of the CEW in a school environment unnecessarily prohibits its use on an adult in the school environment.

Sincerely,

A handwritten signature in black ink, appearing to read "C.D. Williams", with a stylized flourish at the end.

Calvin D. Williams
Chief of Police