



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: JULY 8, 2020	CHAPTER: 2 - Legal	PAGE: 1 of 4	NUMBER: 2.01.07
SUBJECT: FORCE INVESTIGATION TEAM			
CHIEF: <i>Calvin D. Williams, Chief</i>			

PURPOSE: To establish guidelines for the reporting of all use of force responses and any incidents investigated by the Force Investigation Team (FIT) and to establish the duties, responsibilities, and authority of the FIT. The FIT is designed to ensure that all incidents assigned to the FIT are investigated fully and fairly.

POLICY: It is the policy of the Division to have the FIT investigate all Level 3 use of force incidents, critical firearm discharges, uses of force involving potential criminal conduct by an officer, all incidents in which an individual has died while in, or as an apparent result of being in the Division’s custody, and any uses of force assigned to the FIT by the Chief. Individuals assigned to the FIT will receive, at least yearly, training to ensure the appropriate expertise, independence, and investigative skills. This training will ensure that uses of force that are contrary to law or policy are identified; that training, tactical, and equipment deficiencies related to the use of force are identified; and that investigations are of sufficient quality. When the team is deployed, it shall be recognized as having been granted full investigative authority by the Chief of Police.

PROCEDURES:

I. FIT Investigations

- A. The FIT shall conduct administrative and criminal investigations, where appropriate and not assigned to another agency, in all of the following instances:
 - 1. All law enforcement critical firearm discharges occurring within the jurisdiction assigned to the Cleveland Division of Police, regardless of the on-duty or off-duty status of the officer involved, except:
 - a. Incidents involving a fatality are investigated by an outside agency per a signed memorandum of understanding.
 - 2. All Level 3 use of force incidents (Refer to General Police Order 2.01.01 Use of Force - Definitions).
 - 3. Any use of force involving potential criminal conduct by an officer.
 - 4. Incidents that result in death while in or as an apparent result of being in custody.
 - 5. Use of force investigations as reassigned by the Chief of Police or Chief’s designee.

II. FIT Notifications

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- A. Supervisors notified of a Level 3 use of force, critical firearm discharges, including by outside agencies, are required to immediately notify the Communications Control Section (CCS) of the nature, location and time of the incident and request they notify the Commander of the Bureau of Special Investigations (BSI).
- B. CCS shall immediately notify the Commander of BSI or the on-call designee and provide all available information.
- C. The Commander of BSI will provide instructions to a CCS supervisor to initiate a FIT call-up as required. The Internal Affairs Superintendent is ultimately responsible for determining if an incident requires a FIT investigation.

III. FIT Investigation Responsibilities

- A. The first non-involved supervisor shall:
 - 1. Respond to scene and ensure it is secured, separate the involved and witnessing officers, and direct them not to speak to each other about the incident (Refer to GPO 5.10.01 Crime Scene Preservation and Processing and GPO 5.10.02 Crime Scene Entry Log).
 - 2. Obtain a public safety statement (refer to attachment), which involved officers shall provide, that shall include any information that is necessary for providing public safety, obtaining medical care for injured persons, and securing and identification of evidence in furtherance of criminal investigations involving the subject against whom force was used.
 - 3. Not permit involved officers to review video or audio of the incident including any wearable camera system (WCS), any data in the possession of the CCS, or any mobile data terminal (MDT) prior to their initial FIT interview without the approval of the FIT OIC.
 - 4. Assist the FIT OIC as directed.
- B. Under the direction of the FIT OIC, the FIT shall perform its assigned functions, including:
 - 1. Upon arrival assume control of the scene, the use of force investigation, and the Crime Scene Entry Log noting in the log any personnel not already listed.
 - 2. Arrange for a response by selected Crime Scene and Record Unit detectives to photograph and process the scene
 - 3. Examine the subject for injury and interview the subject for complaints of pain. Ensure that the subject receives medical attention from an appropriate medical provider. Advise the subject that the interview pertains only to the use of force, not any underlying alleged crime, and that the subject need not answer questions.
 - 4. Collect all evidence consistent with homicide investigation protocols related to the use of force incident to include conducting round counts, accounting for all shots

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fired, audio and video recordings, photographs, and other documentation of injuries or the absence of injuries.

5. Ensure that a canvass for all civilian witnesses is conducted and interview all civilian witnesses.
6. Ensure that all civilian witness interviews are recorded, with preference towards video recording of interviews of significant witnesses or encourage civilian witnesses to provide and sign written statements, in their own words, where circumstances do not support conducting a recorded interview.
7. Ensure information is taken from civilian witnesses who have pertinent information, even if they refuse to be recorded or refuse to complete or sign a formal statement.
8. Request voluntary statements from involved officers as soon as and to the extent possible. Unless there are exceptional circumstances, the FIT investigators (administrative) will conduct the preliminary interview with involved officers before the end of the involved officer's tour of duty and complete the initial use of force tracking software entry.
9. The FIT shall secure all involved weapons and download involved officer's CEW data if deployed. In addition, the FIT investigators will direct the involved officers to transfer custody of their body armor, uniform, extra ammunition, leather gear, equipment, or other items as needed.
 - a. If a firearm is seized from an involved officer, a replacement firearm will be provided to the officer.
10. Ensure all officers who witness or are otherwise involved in the incident are interviewed before the end of their tour of duty consistent with applicable law.
 - a. To the extent possible, officers will be separated until interviewed.
 - b. Witnessing officers will be ordered not to discuss the incident with any other officers.
 - c. Group interviews are prohibited.
11. Ensure officers or other witnesses are not asked leading questions that suggest legal justifications for the officers conduct when such questions are contrary to appropriate law enforcement techniques.
12. Record all interviews with a preference towards video recording whenever possible.
13. Arrange for WCS video downloads, locking, and return.

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14. Inspect any weapon or equipment of any officer who is or was at any use of deadly force scene regardless of rank or position.
15. Review all WCS recordings related to any incident involving a Level 3 use of force or any incident falling within the jurisdiction of the FIT.

IV. Reporting

A. The FIT OIC shall ensure:

1. All FIT investigation reports identify all officers who were involved in the incident, witnessed the incident, or were on the scene when it occurred.
2. All officers witnessing or present during the use of force or critical firearm discharge by another officer complete a Witness Statement Form, as directed, before the end of their tour of duty, providing a detailed account of the incident from the officer's perspective (Refer to GPO 2.01.05 Use of Force - Reporting).
3. All reasonable efforts are taken through the investigation to resolve material inconsistencies between the officer, subject, and witness statements, as well as inconsistencies between the level of force claimed by the officer and the subject's injuries.

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.