



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: JANUARY 9, 2007	REVISED DATE: March 22, 2013	NO. PAGES: 1 of 4	NUMBER: 2.1.03
SUBJECT: FIREARM DISCHARGE INVESTIGATIONS			
ASSOCIATED MANUAL:		RELATED ORDERS: 1.1.22, 1.3.16, 2.1.01, 2.1.02, 2.1.04	
CHIEF OF POLICE: <i>Michael McGrath, Chief</i>			

Substantive changes are in italicized

PURPOSE: To state guidelines to document and investigate all firearms discharged by Cleveland police officers in any jurisdiction and other than Cleveland law enforcement officers within the jurisdiction of the City of Cleveland.

POLICY: To require the completion of Record Management System (RMS) reports and a supervisory investigation whenever a Cleveland police officer discharges a firearm or another law enforcement officer discharges a firearm within the jurisdiction of the City of Cleveland, regardless if the discharge is intentional or accidental. An accidental firearm discharge is any firearm discharge that is not intentional. All firearm discharge investigations shall be forwarded through the chain of command with thorough reviews to the Chief of Police. The Use of Deadly Force Investigation Team (UDFIT) shall investigate all firearm discharges, *both on and off duty, other than: authorized firearms training, an accidental shooting not resulting in injury or death, or the necessary destruction of a sick or injured animal.*

PROCEDURES:

- I.** When an officer discharges a firearm, the officer shall promptly contact the Communications Control Section (CCS) which in turn shall request that a sector supervisor respond to the scene. The officer shall also advise CCS of any injuries and request medical assistance as necessary. The CCS will relay to the sector supervisor the appropriate information that includes whether the officer is on or off duty, *the nature and details* of the discharge and if there are any injuries/deaths.

- II.** The sector supervisor shall first determine if the firearm discharge meets the criteria for investigation by the UDFIT. If the firearm discharge DOES meet the UDFIT criteria, the sector supervisor shall contact CCS to make the appropriate notifications.

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- III.** Prior to UDFIT’s arrival, the sector supervisor shall ensure that (as applicable):
- A. Emergency medical assistance is being rendered.
 - B. A crime scene perimeter has been established and secured.
 - C. A crime scene log has been created.
 - D. Witnesses and others involved have been identified.
 - E. Involved officers have been separated but NOT isolated.
 - F. The Crime Scene and Records Unit has been notified.
 - G. Enough personnel are available to assist with crowd control, area canvassing for witnesses, suspects, other victims or evidence, transportation of suspects/witnesses and any other duties as necessary.
- IV.** Upon UDFIT’s arrival, the sector supervisor shall relinquish investigative responsibility to the Officer-in-Charge (OIC) of UDFIT but remain on scene to assist the UDFIT at the discretion of the UDFIT OIC.
- V.** *A “Firearm Discharge” RMS report will be completed by the officer(s) involved. For firearm discharges involving the destruction of a sick or injured animal, the sector supervisor shall direct the officer involved to complete a “Firearm Discharge/Animal Incident” RMS report containing the particulars of the incident. The Inspection Unit shall be contacted via CCS to respond to a scene of the destruction of a sick or injured animal and monitor the investigation.*
- A. *An on-duty supervisor from the district in which the firearm discharge occurred shall investigate off-duty firearm discharge incidents involving a firearm discharge involving an animal. This includes animal incidents occurring during secondary employment.*
 - B. *The UDFIT OIC will determine the appropriate response to Cleveland police officer discharges outside the City of Cleveland regardless if on or off-duty. In the instance of a discharge that would not meet the criteria for a UDFIT response in the City, an on-duty supervisor closest to the location of the firearm discharge shall respond and investigate.*

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- C. The sector supervisor shall promptly begin an investigation that will include a Form-1 report from each involved officer. The supervisor's investigation shall note any violations of federal, state or city laws as well as Divisional policies and procedures. *The supervisor's report shall include a recommendation that may range from no corrective action necessary to re-instruction, re-training and/or discipline.*
 - D. A "Firearm Discharge" RMS report shall be a separate report from any other report generated concerning a related incident. Reporting officers shall cross-reference related RMS report numbers.
 - E. The sector supervisor shall notify the Commander of the district/bureau involved and promptly forward all reports with recommendations through the chain of command to the Deputy Chief in that investigating supervisor's chain of command.
 - 1. In non-UDFIT investigated instances involving an off-duty police officer or one working secondary employment, the sector supervisor of the district of occurrence shall handle the investigation and forward all reports to the Deputy Chief of Field Operations.
 - 2. In non-UDFIT investigated instances involving an on-duty police officer, the supervisor of the officer shall handle the investigation and forward all reports to the Deputy Chief in their chain of command. If that involved officer's superior is not on-duty or otherwise unavailable, then the sector supervisor of the district of occurrence shall handle the investigation and forward all reports to the Deputy Chief of Field Operations.
 - F. The Deputy Chief shall review the supervisor's investigation and forward any recommendations to the Chief. The Commander of the Bureau of Communications shall determine if the incident will be included in the Chief's "Items of Interest" log, and if a Group One notification of Division members is necessary.
 - G. Firearm discharge reports shall be forwarded through the chain of command within seven calendar days. A thorough review shall be conducted at every level of the chain of command. A simple concurrence is not sufficient.
- VI.** When a Cleveland police officer at a shooting scene gains knowledge that a law enforcement officer from another agency has discharged a firearm within the City

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of Cleveland, the Cleveland officer shall promptly request a supervisor to respond to the scene. The sector supervisor shall determine if the firearm discharge meets the criteria for investigation by the UDFIT. If the firearm discharge meets the UDFIT criteria, the supervisor shall contact CCS for the appropriate notifications. If the criteria are not met, the sector supervisor shall direct that a "Firearm Discharge/Foreign Agency" RMS report is completed by a Cleveland police officer.

- VII.** If the firearm discharge is accidental and *involves a death or injury or involves a citizen regardless of injury*, the firearm involved shall be taken into evidentiary custody by the UDFIT OIC's designee.

If the firearm discharge is accidental and *does not involve death or injury and does not involve a citizen*, then the *Integrity Control Section call-up group OIC* shall make arrangements to have the firearm forwarded to the Ordnance Unit for testing.

If the weapon involved is the officer's service weapon, the Ordnance Unit shall issue a replacement for the duration of the testing process. *If retraining is required, the commander of the involved officer shall be responsible for scheduling the officer for the next available retraining opportunity at the Ordnance Unit as a tour of duty (as the officer is physically able). Officers shall not be permitted to carry that manufacturer and model of firearm until that officer has been cleared to do so by the Ordnance Unit. The officer's duties may be modified until such time the officer has permission to carry that particular firearm.*

- VIII.** The only exceptions to the above reporting requirements are firearms discharged in the *normal* course of training/testing or legal practice/recreational shooting purposes.
- IX.** *Accidental firearm discharges that occur during training and involve death or injury shall be investigated by UDFIT. The Inspection Unit shall respond to and monitor the investigation of accidental firearm discharges that occur during training and do not involve death or injury.*
- X.** For all firearm discharges meeting the UDFIT criteria, the investigation protocols are contained in General Police Order 1.1.22 Deadly Force Investigation Team.
- XI.** *For all other firearm discharges meeting the Integrity Control Section call-up criteria, the investigation protocols are contained in General Police Order 1.3.16 Integrity Control Section Call-up.*