



# CLEVELAND DIVISION OF POLICE

## GENERAL POLICE ORDER



EFFECTIVE DATE: FEBRUARY 18, 2020	CHAPTER: 2 - Legal	PAGE: 1 of 6	NUMBER: 2.01.08
SUBJECT: FORCE REVIEW BOARD			
CHIEF: <i>Calvin D. Williams, Chief</i>			

**PURPOSE:** To ensure that investigations of use of force incidents are thorough, comprehensive and of the highest quality. The Division shall continually analyze tactics, training, policies, processes, and procedures in order to continually improve, regardless of whether the application of force in any given incident was consistent or inconsistent with policy.

**POLICY:** The Cleveland Division of Police has established a Force Review Board (FRB) to serve as a quality control mechanism for uses of force and force investigations and to appraise use of force incidents from tactics, training, policy, and agency improvement perspectives.

The FRB shall review selected use of force investigations to determine whether the investigation was thorough and complete; determine whether there are considerations that need to be addressed regarding de-escalation, supervision, equipment, tactics, training, policy, and best practices; determine whether the chain of command has appropriately identified and taken actions to correct deficiencies; identify trends or patterns of deficiencies; and monitor all aspects of the Division’s use of force practices with the goal of continual improvement. FRB members or their designees are expected to attend all FRB meetings and be fully prepared in advance.

**PROCEDURES:**

- I. Composition of the Force Review Board
  - A. The FRB shall be comprised of a representative from the following units/districts, selected by the unit/district Commander/Administrator as standing members of the FRB. The FRB shall consist of, at a minimum:
    1. The Chief of Police or designee, who shall serve as Chair of the FRB.
    2. The Bureau of Compliance (BOC).
    3. Internal Affairs (IA).
    4. A Training Section supervisor.
    5. The Office of Professional Standards (OPS) Administrator.
    6. A supervisor from each district, serving a minimum term of 12 months, when any involved officers are assigned to their district.
    7. The Data Analysis and Collection Coordinator (DACC). The DACC shall serve as a non-voting advisory member of the FRB.

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- B. The FRB may include or consult with any subject matter expert or advisor the Chair believes would be helpful in reviewing particular incidents. Any subject matter expert or advisor shall be non-voting members.

## II. Frequency of Force Review Board Meetings

- A. The FRB shall convene quarterly.
- B. As necessitated by submitted investigations, the Chair may schedule special meetings more frequently.

## III. Cases Reviewed by the Force Review Board

- A. The DACC shall provide the BOC Commander with a list of investigations from the use of force tracking software completed since the prior FRB meeting. The following investigations shall be provided for review by the FRB members two weeks prior to a scheduled meeting:
  - 1. All Force Investigation Team (FIT) investigations.
  - 2. All Level 2 investigations with a finding of force related misconduct.
  - 3. A random sample of all Level 2 force in which there was no finding of force related misconduct. The sample will consist of ten percent of all such Level 2 investigations or five such Level 2 investigations per meeting, whichever is greater. The DACC will specify the method for selecting the random sample of completed investigations of force incidents and will memorialize that method for the FBR.
- B. The BOC Commander will provide members a complete copy of investigations to be reviewed two weeks prior to the FBR meeting.
- C. The FRB shall conduct comprehensive and reliable reviews of investigations within 90 days of receipt. An investigation is considered received by the FRB when it has been forwarded to the BOC Commander.

## IV. Responsibilities of Force Review Board Members

### A. FRB Member Responsibilities

- 1. Each standing member shall serve a minimum term of 12 months, unless specifically relieved due to lack of attendance, assignment change, or other material cause.
- 2. Any FRB member who is unable to attend a scheduled meeting shall notify the BOC Commander a minimum five days in advance that their assigned designee will be attending.
- 3. FRB members shall complete, at a minimum, a four hour initial training course as soon as practicable, upon being appointed, to include, but not limited to, training on the CDP use of force policies and the policies and procedures used by the FRB.

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4. Members shall receive annual training directly relevant to their role and service on the FRB which may include but is not limited to:
  - a. Legal updates regarding use of force.
  - b. Updates to CDP policies.
  - c. Use of force investigations best practices.
  - d. Curriculum utilized by the Training Section regarding the use of force.

B. BOC Commander Responsibilities

1. The BOC Commander is responsible for ensuring administrative and logistical assistance to the FRB in order to ensure dissemination of materials and smooth operation of FRB meetings.
2. The BOC Commander is responsible for communication of FRB findings to the Chief of Police and follow up of FRB recommendations across the Division.

V. Procedure for Review and Adjudication of Cases by the Force Review Board

- A. The Chief of Police or designee shall chair the FRB and shall preside over the meeting.
- B. The Chair shall guide the board through completion of the FRB checklist. The Chair shall recognize members to ask questions.
  1. The FRB must vote on the answers to all questions and administratively approve or disapprove for each section.
  2. Each question shall be addressed and voted upon in the order listed.
- C. For each incident under review, the FRB shall hear a case presentation from:
  1. The lead FIT investigator for FIT investigations; or
  2. A representative from the district of occurrence for supervisory investigations involving Level 2 uses of force.
- D. For each review, the FRB shall consider the actions and lack of actions of all officers, supervisors, commanders, and dispatchers involved in the incident. The FRB's review includes, but is not limited to:
  1. An officer's decision-making at the time the officer used force, including whether the incident raises policy concerns.
  2. The circumstances leading up to the use or application of force, including whether the incident raises policy concerns.
  3. Tactical decisions.

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4. Information sharing and communication.
  5. Adequacy of supervision throughout the incident.
  6. Equipment.
  7. Training.
  8. CDP medical response, when applicable.
  9. Any commendable actions.
- E. The FRB shall also review any material, written or recorded evidence from the incident and discuss the case as necessary with the investigator or district representative to gain a full understanding of the facts of the incident.
- F. Each FRB review shall include an assessment of the integrity, comprehensiveness, objectivity, thoroughness, and timeliness of all aspects of the use of force investigation. The FRB must ensure that the force investigation is objective and complete, and that investigatory findings are supported by a preponderance of the evidence. Where the findings are not supported by a preponderance of the evidence, the FRB will do either of the following:
1. Order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of force investigations.
    - a. The Chair or designee shall be responsible for returning the investigation to the primary unit supervisor/investigator.
    - b. The returned investigation shall include requests for specific information, concerns about inconsistencies, or concerns in the investigation.
    - c. Upon return ensure review by the FRB as expeditiously as possible.
  2. Document the reasons for the determination that the findings are not supported by a preponderance of the evidence. Include the specific evidence or analysis supporting the conclusions and forward the recommendations to the Chief of Police.
- G. The FRB shall make separate, formal findings of administrative approval or administrative disapproval for each involved employee in each incident with respect to the following:
1. Tactics and decision making.
  2. Use of force.
  3. Supervision.
  4. The underlying use of force investigation.

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- H. All findings of the FRB must be supported by a preponderance of the evidence.
- I. The FRB shall not make determinations or recommendations about discipline; however, where appropriate, the FRB may recommend non-disciplinary corrective action to enable or encourage an officer to improve performance.
- J. Only standing and voting members of the FRB may participate in the deliberations during meetings.
- K. All FRB determinations shall be made by majority vote.
  - 1. Only standing and voting members of the FRB are permitted to vote and shall not abstain from voting on any matter unless authorized in advance by the Chair. The FRB member shall immediately notify the Chair upon learning that abstention is necessary to avoid a conflict of interest.
  - 2. The FRB Chair shall vote in cases of a tie (the vote is evenly split).
- L. The Chair or designee shall ensure accurate recording of all findings of the FRB including the determinations on the FRB checklist.
- M. The Chair shall refer policy, equipment, and training issues to the appropriate commander at the conclusion of each incident review. The Chair shall assign follow up regarding the recommendations from the FRB.
- N. If the use of force indicates policy, training, tactical or equipment concerns, the Chief or designee shall ensure that FRB's recommendations are implemented as appropriate, any necessary training is conducted, and that policy, training, tactical, or equipment concerns are resolved. This implementation includes any non-disciplinary corrective action.
- O. The FRB shall use a tracking system to ensure that each of its recommendations (regarding individual employees, training, policy, equipment, communication, or other issues) has been forwarded to the appropriate Division personnel.
- P. BOC Commander Responsibilities
  - 1. The BOC Commander shall ensure that the FRB's findings for each involved employee are documented in a report to the Chief of Police within 15 days of the presentation of the case to the FRB.
  - 2. The BOC Commander shall maintain a record of all recommendations and their implementation status.

## VI. Reporting

- A. The BOC Commander shall provide a quarterly report to the FRB. The report shall contain the status of the FRB recommendations and the response from the commanders.

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- B. The FRB shall examine data related to use of force at least once per year. The annual examination is to detect any patterns, trends, and training deficiencies and is to make recommendations for correction, as appropriate. The analysis will be conducted in conjunction with the DACC.

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