



THE CITY OF SHAKER HEIGHTS DEPARTMENT OF POLICE



GENERAL ORDER: 0401

SUBJECT: Response to Threats (Use of Force)

EFFECTIVE DATE: May 26, 2023

REVIEW: Annually

AMENDS/SUPERSEDES: May 7, 2021

CALEA: 1.2.2, 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6, 4.1.7, 4.2.1, 4.2.2, 4.2.4, 4.2.5, 4.3.4

PURPOSE

To establish guidelines for members of the Shaker Heights Police Department when responding to a known or a perceived threat in furtherance of their sworn duties.

POLICY

It is the policy of the Shaker Heights Police Department (SHPD) that members will use only that amount of force which is objectively reasonable, and apply de-escalation techniques when possible, to take a subject into custody or otherwise bring an incident under control while protecting the safety of the member and others. In determining what degree of force is objectively reasonable, members will evaluate each situation requiring the use of force in light of known circumstances at the time of the event. SHPD members maintain the right to self-defense and have a duty to protect the lives of others. Members will refer to this written directive for reporting procedures and procedures to be followed when the use of force results in serious bodily injury or death.

DEFINITIONS

Deadly Force: Any use of force that creates a substantial risk of causing death or serious bodily injury.

Serious Bodily Injury: Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

Less Lethal Force: Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

De-Escalation: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Objectively Reasonable: The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force was used and upon what a reasonably prudent officer would use under the same or similar situations.

Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Choke Hold: A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.

Vascular Neck Restraint: A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.

Warning Shot: Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.

GENERAL:

The Shaker Heights Police Department is cognizant that in tense, uncertain, and/or rapidly evolving incidents, a trained Officer(s) may have to use technique(s)/tactic(s), weapon(s), and/or objects that can be modified/used as weapons, that are not part of the Department's formal training program; as well as may not have been identified, nor even contemplated, in this written directive to be used as weapons, but must be used to reasonably respond to a real and/or perceived threat.

Officers shall use only the amount of force which is reasonable, through the use of authorized less lethal force techniques and/or weapons to affect an arrest, overcome a subject's resistance to arrest, prevent escape and/or defend themselves or another person(s) from harm and/or injury.

PROCEDURES:

I. Response to Threats

A. General Provisions

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.
3. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical

services, and/or arranging for transportation to an emergency medical facility.

4. An officer has a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so.
5. All uses of force shall be documented and investigated pursuant to this written directive.

B. De-Escalation

1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training when possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

C. Use of Less-Lethal Force

1. When de-escalation techniques are not effective or appropriate, an officer may consider the use of less-lethal force to control a non-compliant or actively resistant individual. An officer is authorized to use department-approved, less-lethal force techniques and issued equipment:
 - i. to protect the officer or others from immediate physical harm,
 - ii. to restrain or subdue an individual who is actively resisting or evading arrest, or
 - iii. to bring an unlawful situation safely and effectively under control.

D. Use of Deadly Force

1. An officer is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply:
 - i. to protect the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury
 - ii. to prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit a felony involving serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended
2. Where feasible, the officer shall identify himself or herself as a law enforcement officer and warn of his or her intent to use deadly force.

3. Deadly Force Restrictions

- i. Deadly force should not be used against persons whose actions are a threat only to themselves or property.
- ii. The firing of warning shots is prohibited.
- iii. Firearms shall not be discharged at a moving vehicle unless:
 - a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
 - the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
- iv. Firearms shall not be discharged from a moving vehicle except in extreme circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.
- v. Chokeholds and or vascular neck restraints shall not be used for the purpose of gaining control over a subject unless deadly force is authorized.

II. Reporting Procedures

- A. A Written Report and a Response to Threat Report (Form 0401-A) are required from any employee who, in the course of their duty:
 1. Discharges a firearm in reaction to a Response to Threat;
 2. Takes an action that results in, or is alleged to have resulted in, injury or death of another person;
 3. Applies force through the use of lethal or less lethal weapons;
 - i. Includes pointing a firearm, less lethal munitions launcher or CEW at a person.
 4. Applies less-lethal physical force or techniques against a subject greater than the minimal level of force used to place someone in handcuffs.
- B. When multiple Officers are engaged in the same Response to Threat incident, the “Primary Officer” will complete the form which will include reporting on each of the assisting officers’ responses to threats. Each assisting officer will be responsible for initialing the form in the appropriate areas of the Officer(s) Actions section affirming that they did perform the action that the primary officer has reported.

- C. When a Police Officer's actions amount to, result in, and/or are alleged to have resulted in injury or death to another person, the Police Officer's actions will be documented in accordance with GO 0404, Officer Involved Critical Incidents.

III. Review/Investigations

A. Response to Threats

- 1. Each incident shall be reviewed by the Officer's supervisor and the Training Unit for his/her review. The report shall also be administratively reviewed by the Chief of Police or his designee. Exemplary performance, training needs and suspected policy violations will be forwarded to the appropriate Bureau Commander for additional review.
- 2. Final copies of all Response to Threat incidents are maintained by the Training and Development Unit.

B. Deadly Force

- 1. Each incident shall be assigned to the following for review and/or investigation:
 - i. Investigation Unit
 - ii. BCI or other investigating law enforcement agency
 - iii. Internal Affairs Unit
 - iv. Prosecutor's Office
- 2. Upon the completion of the review/investigation, the incident shall be forwarded to the Critical Incident Review Committee as outlined in GO 0404, Officer Involved Critical Incidents.

C. Annual Analysis

- 1. The Training and Development Unit shall conduct an analysis of Response to Threat activities, policies and practices and submit findings to the Chief of Police. The analysis shall include a review of assaults on Police Officers and identify the following:
 - i. Date and time of incidents;
 - ii. Types of encounters resulting in the use of force;
 - iii. Trends or patterns related to race, age and gender of subjects involved;
 - iv. Trends or patterns resulting in injury to any person, including employees;
 - v. Impact of findings on policies, practices, equipment and training.

IV. Training

- A. At least annually, all Sworn Officers shall receive training and will be tested on GO 0401 Response to Threats/Use of Force written directive. Sworn Officers will be issued a copy of this written directive prior to being authorized to carry a weapon and to maintain that authorization. Sworn Officers shall also demonstrate proficiency with any departmentally approved weapon prior to authorization to carry.
- B. In addition, training shall be provided on a regular and periodic basis and designed to:
 - 1. provide techniques for the use of and reinforce the importance of de-escalation;
 - 2. simulate actual shooting situations and conditions; and
 - 3. enhance officers' discretion and judgment in using less-lethal and deadly force in accordance with this written directive.
- C. All Response to Threats/Use of Force training shall be documented. Training records will be maintained by the Training and Development Unit.

V. Written Directive Revision

- A. Following the release of a revision to this written directive, all Sworn Officers, who are authorized to carry Department issued weapons, shall be assigned this policy for review and electronic read and sign.

Approved by the order of

(Signature on file in the Office of the Chief of Police)

Wayne D. Hudson
Chief of Police