

## Overview of the Cleveland Division of Police General Police Orders that incorporate a youth-specific focus in addition to the CDP *Interactions with Youth Policy*

This overview includes sections of Cleveland Police GPOs related to youth and/or noted in the *Interactions with Youth Policy* (GPO 5.12.01). Note: this is not an exhaustive list. (GPOs listed in alphabetical order.)

**COMMUNITY AND PROBLEM-ORIENTED POLICING** - Notes that “Officers shall form partnerships with all communities that include but are not limited to Youth and youth advocates”

**BIAS-FREE POLICING (GPO 1.07.08)** - Referenced on page 2 of Youth Policy

**DE-ESCALATION (GPO 2.01.02)** - Referenced on page 7 of Youth Policy with De-escalation guidance.  
“Officers shall consider whether a subject’s lack of compliance is a deliberate attempt to resist or an inability to comprehend and/or comply based on, but not limited to the...the perceived age of a child”

### **USE OF FORCE – GENERAL (GPO 2.01.03)**

Use of force shall be “consistent with the principles of necessity, proportionality, objective reasonableness, and de-escalation.” Also, “Officers shall consider the following officer/subject factors and circumstances when choosing a force response, including for example, how the presence of one or more of these factors could impair a subject’s ability to comply with officer commands or affect the nature or degree of the threat presented, and ‘age’ difference between the officer and subject.”

*Procedures include: Duty to Provide Medical Attention:* “Officers shall immediately request Emergency Medical Services (EMS) to respond for the following Use of Force applications regardless of visible injury or complaint of injury: With the exception of pointing a firearm at an individual, any reportable use of force on subjects who are reasonably believed or known to be pregnant, children, elderly, physically or medically frail, or disabled.”

### **USE OF FORCE – INTERMEDIATE WEAPONS (GPO 2.01.04)** - Referenced on pages 6-7 of Youth Policy

“Intermediate Weapons: When Authorized

1. Officers shall be mindful that in some instances a subject’s disability or condition may limit or restrict their ability to comply with an officer’s direction
2. Before using intermediate weapons on children and juveniles, officers must consider the following factors: body mass, physical build, perceived age, and emotional condition. Officers shall use appropriate responses for children and juveniles at all times.”

“Intermediate Weapons: When Prohibited: Officers shall not use intermediate weapons against small children”

“Oleoresin Capsicum (OC) Spray:” Officers shall immediately request that EMS respond ...when the officer is made aware that the OC Spray was used on a child”

“Conducted Electrical Weapon (CEW)<sup>1</sup>: After deployment of the CEW, officers shall request that EMS transport the subjects to the hospital when the officer is made aware that the CEW was deployed on a child.”

---

<sup>1</sup> *The CDP policy is not consistent with Consent Decree language requiring tasers may only be used on minors where lethal force is warranted (citing specific paragraphs in the consent decree):*

65. Officers will determine the reasonableness of ECW use based upon all the relevant circumstances, including the subject’s apparent age, size, physical, and mental condition, and the feasibility of lesser force options.

66. Except where lethal force is authorized, officers will not use ECWs where: (1) a deployment may cause serious physical injury or death from situational hazards, including falling, losing control of a moving vehicle, or becoming ignited from the presence of potentially explosive or flammable materials or substances; or (2) the subject is visibly pregnant, apparently elderly, a child, visibly frail, has obviously low body mass, or is in apparent medical crisis.

**MIRANDA WARNING AND WAIVER (GPO 2.02.01)** - Referenced on page 3 of Youth Policy

Adds a juvenile Miranda standard and guidance under “Case-Specific Requirements – Juveniles:

1. When questioning a juvenile, officers shall consider the juvenile’s age when determining whether the juvenile would not feel free to leave. A juvenile may be in custody for purposes of the Miranda rule when an adult in the same circumstances would not.
2. Officers shall explain the Miranda Warning in an age-appropriate manner, and each warning shall be read slowly and one at a time.
3. An example of the Miranda Warning given in an age-appropriate manner is as follows:
  - a. “You have the right to remain silent. That means you do not have to talk to me.”
  - b. “Anything you say can be used against you in court.”
  - c. “You have the right to get help from a lawyer before you talk to me.”
  - d. “You may also have your parent or legal guardian present.”
  - e. “If you or your family cannot pay a lawyer, the court will get you one for free.”
  - f. “You have the right to stop this interview at any time.”
  - g. “Do you understand these rights that I have explained to you?”
  - h. “Do you want to have a lawyer present if you choose to talk to me?”
  - i. “Do you want your mother, father, or legal guardian present if you choose to talk to me?”
  - j. “Do you want to talk to me?”
4. To ensure the juvenile understands his or her rights, the officer shall ask the individual to explain each of the advisements in his or her own words.
5. Officers shall stop questioning when the juvenile has requested an attorney, parent, or guardian. Officers may resume questioning when the attorney, parent, or guardian is present. No parent or guardian may waive the juvenile’s right to counsel.

*Waiving Miranda General Guidelines:* “Officers shall consider the totality of the circumstances when determining whether a juvenile has knowingly and voluntarily waived Miranda including:

1. The youth’s age, mentality, and prior criminal experience;
2. The length, intensity, and frequency of the interrogation; and
3. Whether or not a parent was present at the time of the waiver.”

*Invocation of Miranda Rights by Subject:* “Questioning of a subject shall not take place when the subject of a custodial interrogation...Indicates he/she wants to have counsel, or if a juvenile indicates he or she wants to have counsel, a parent, or guardian present before answering questions, or anytime during the interrogation”

**INVESTIGATORY STOPS (GPO 2.02.02)** – Referenced in the Youth Policy

“Officers must distinguish between voluntary contacts (consensual or non-custodial) and Investigatory (Terry) stops...Officers shall be aware that a juvenile may not feel free to leave when adults in the same circumstances would feel free to leave.”

*Documentation and Reporting/Review of Investigatory Stops:* “The documentation should contain all information requested in the data collection software, but at a minimum must contain at least the following elements: Subject’s race, ethnicity, age, and gender.”

**SEARCH AND SEIZURE**

*General Requirements for Searches and Seizures* – “Officers shall...explain in an age-appropriate manner to the person being searched and/or seized, the reason for the search/seizure and how the search/seizure will be conducted.”

*Consent Searches:* “Where an officer seeks consent for a search, the officer shall inform the person, in an age-appropriate manner, of his or her right to refuse and to revoke consent at any time... Officers must ensure that an individual is consenting to the search voluntarily. Officers shall consider the age, intelligence, education, and authority of the person providing consent.”