

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:15-CV-01046
)	
Plaintiff,)	
)	JUDGE SOLOMON OLIVER, JR.
vs.)	
)	
CITY OF CLEVELAND,)	
)	<u>CITY OF CLEVELAND'S</u>
Defendant.)	<u>ELEVENTH STATUS REPORT</u>

I. Transition Report

Following the Court's approval on June 12, 2015 of the Settlement Agreement¹ reached between the Department of Justice ("DOJ") and the City of Cleveland ("City"), the City has filed status reports with the Court on a semiannual basis. The Settlement Agreement recognized going forward that the City remained "committed to ensuring that police services in Cleveland are delivered in a manner that is constitutional, effective, and consistent with community values, while preserving officer and public safety." (Dkt., 7-1, p. 1).

Much has been accomplished in the intervening years. This is the City's eleventh status report to the Community and the Court. This most recent report occurs as the City is in the transition period following the November 2 mayoral election. Instead of limiting

¹ With Court's approval, the Settlement Agreement became the Consent Decree that has informed the many agreed upon policing reforms that have been undertaken by the CDP and City over the past six and one-half years.

the focus to a period of the last six months, the City's Eleventh Status Report attaches and incorporates a summary progress review with reference to issues to be addressed as the City prepares to enter 2022. This review is attached hereto as the "City of Cleveland Consent Decree Transition" report ("Transition Report").

The City's Transition Report summarizes the areas of work undertaken from the beginning stages of the Consent Decree to the present to meet the agreed upon reforms addressed in the Consent Decree. Specifically the Transition Report addresses work accomplished to date and identifies matters to be further addressed going forward. The Transition Report is broken down under the following categories: CDP Policies, Crisis Intervention, Training, Finance, Recruitment, Equipment/Resources, Accountability, Community Engagement, and Data. As was noted in the Monitor's recent Tenth Semiannual Report regarding the work of the Monitor team going forward:

In addition to renewed energy, we are entering a different stage of the Consent Decree. As we move into the fourth quarter of 2021 and into 2022, the substantive focus of the work is evolving from technical assistance to assessments. (emphasis added).

(Dkt. 386, at p. 1). Moreover, as further noted, the Monitor's initial compliance assessment reviews have already begun:

The Monitoring Team is in the middle of comprehensive assessments of Use of Force (UOF) and the Office of Professional Standards (OPS). The Use of Force assessment is examining whether force used was objectively reasonable, necessary and proportional, and whether it was appropriately reported and reviewed, through the review of 94 cases based on a statistically valid sample of cases for each level of force: Type I, Type II, and Type III, with Type III being the most severe. Each Type II and III case is reviewed by two reviewers, and escalated to a third if there is material disagreement in reviewers' assessments; Type I cases are reviewed by a single reviewer. For the OPS review, the Monitoring Team is conducting a general performance review based on a review of all cases received by the OPS after June 1, 2019, with sustained findings made by the Police Review Board (PRB) and adjudicated by the Division prior to December

31, 2020, for a total of 25 cases. While this is a smaller sample than UOF, the assessment includes hundreds of detailed data points. These two assessments mark the first in the new phase of assessing the progress to date and testing CDP's compliance with the Consent Decree.

(Dkt. 386, p.2).² The nature and areas of the assessments to be conducted by the Monitor are identified in the Consent Decree as follows:

[T]he Monitor will conduct qualitative and quantitative assessments to measure whether implementing this Agreement has resulted in constitutional policing. The measurements relating to use of force; addressing individuals in crisis; and stop, search, and arrest are not intended to expand the City's data collection requirements set forth elsewhere in the Agreement. These outcome assessments will include collecting and analyzing, at least annually, the following outcome data, trends, and patterns...

(Dkt. 7-1, p. 84, Section 367).

The work accomplished to date that is addressed in the attached Transition Report provides the reader with context of what has been achieved as the City and CDP enter the period of Monitor Team compliance assessment. During this assessment phase, the Monitor will employ "outcome measurements" that are specifically identified in the Consent Decree. (Dkt. 7-1, Section 367, pp. 84-88). The specified outcome assessments involve analysis by the Monitor Team of collected data, trends, and patterns in the following areas: (a) Use of Force, (b) Crisis Intervention, (c) Stops, Searches, and Arrests, (d) Bias Free Policing and Community Engagement, (e) Recruitment, (f) Training, (g) Officer Assistance and Support, (h) Supervision, and (i) Civilian Complaints. (*Id.*, pp. 84-88). The identified outcome measures for each area will be used as one of the primary

² It is significant that the Monitor has recognized: "Based on the outcome measures collected for various use of force indicators, even including the numbers of uses of force related to the May 2020 protest events, force is down, the severity of injuries to officers is down, and de-escalation attempts increased. (Dkt. 386, p. 52).

means of demonstrating whether the City has achieved “substantial and effective compliance”³ with the agreed upon reforms outlined Consent Decree. (Dkt. 7-1, p. 97, Section 401).

II. Conclusion

Most of the critical issue policies, plans, and initial training deemed necessary for complete and successful implementation of the many agreed upon policing reforms has been completed. As demonstrated in the City’s Transition Report the City and CDP have worked hard across a broad spectrum of areas during the most recent reporting period and over the life of the Consent Decree. It is anticipated during the upcoming assessment activities to be undertaken by the Monitor that the collected data, trends, and patterns associated with the various compliance measures will objectively document the success of the CDP’s ongoing efforts to achieve full and ongoing compliance with the Consent Decree.

Respectfully submitted,

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³ “Substantial and Effective Compliance means that the City either has complied with all material requirements of this Agreement, or has achieved sustained and continuing improvement in constitutional policing, as demonstrated pursuant to this Agreement’s outcome measures.” (Dkt. 7-1, p. 103, Section 456.)

CERTIFICATE OF SERVICE

The undersigned certifies that the City of Cleveland's Eleventh Status Report was filed electronically on December 2, 2021. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. The Monitor and Department of Justice have been electronically delivered a copy of this filing.

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