

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.)	
)	<u>MOTION TO APPROVE FOURTH YEAR</u>
CITY OF CLEVELAND)	<u>MONITORING PLAN</u>
)	
Defendant.)	
)	
)	

Pursuant to Paragraph 369 of the Consent Decree between the City of Cleveland (the “City”) and the United States ordered by this Court on June 12, 2015, the Monitoring Team submits the Fourth Year Monitoring Plan, attached hereto as Exhibit A (the “Monitoring Plan,” “Fourth Year Plan,” or “Plan”). The City and the Cleveland Division of Police (“CDP” or the “Division”) took the lead on crafting the Plan, which is geared toward effectively and efficiently implementing the Decree’s requirements. The Department of Justice and Monitoring Team both provided feedback and comment during a robust period of collaboration.

Because the Parties have made good on completing needed policies and plans, the Fourth Year Plan appropriately shifts much of the Parties’ and Monitoring Team’s attention to the real-world implementation of now-completed and approved policies and plans. The Plan also details a

host of important officer training initiatives necessary to establish new expectations and norms across all CDP members. Accordingly, the Monitoring Team and Parties respectfully request that the Court approve the Fourth Year Plan.

I. OVERVIEW OF THE MONITORING PLAN

The Fourth Year Plan is intended to provide a structure for the day-to-day and week-to-week efforts that stakeholders from across the Cleveland community need to undertake to ensure that the Consent Decree is implemented in a manner aimed at “ensuring . . . police services in Cleveland” are “constitutional, effective, and consistent with community values, while preserving officer and public safety.” Dkt. 7-1 at 6. This Memorandum summarizes the major milestones set forth in the Fourth Year Monitoring Plan in order to give the Court and the public a roadmap of the objectives that the Parties, the Division of Police, and the Monitoring Team expect to focus on in the fourth year of the Decree’s implementation.

The Plan covers the period of February 1, 2019 through January 31, 2020, with a limited number of deadlines falling beyond January 31, 2020.

II. MAJOR MILESTONES ANTICIPATED UNDER THE PLAN

The fourth year of Consent Decree implementation represents a noteworthy shift from prior years. Specifically, the Division is moving rapidly from a focus on first-level considerations—including drafting policies and creating plans on how it will comply with the Decree—to implementing and operationalizing those various, new expectations. Among other deliverables under the Fourth Year Plan, the Parties will focus on executing important organizational changes within the Division, including the adoption of a comprehensive community and problem-oriented policing (“CPOP”) approach, a staffing plan, and a defined plan for recruiting and hiring officers.

Following the CPOP Plan's approval by the Court, the Division is tasked with implementing various organizational changes that will enhance the Division's ability to implement CPOP. Under the Fourth Year Plan, CDP will, among other milestones, memorialize a formal CPOP Policy, establish the CPOP Review Committee (the internal committee that assesses the effectiveness of CPOP implementation), and update and distribute asset maps, which will be used to identify and establish community partnerships. Ex. A. at 1-3. The Division will also complete substantial CPOP training initiatives—including the second year of Community Engagement and Problem-Solving training to enhance officers' understanding of the "SARA" problem-solving approach; a District-specific cultural awareness training across the five CDP Districts; a training for supervisors to promote officers' ability to spend 20% of their time engaging the community; and training on data collection. *Id.*

Other officer training comprises a major focus of the Fourth Year Monitoring Plan. The Division will complete annual training on CDP's revised Use of Force policies and best practices. *Id.* at 6-7. Relatedly, CDP will complete critical training for the newly established Force Investigation Team, which reviews the most serious use of force incidents, and the Force Review Board, which assesses the quality and timeliness of the Division's investigations of force. *Id.* at 4-5. Further, the Division will design and complete new training on crisis intervention, search and seizure, and procedural justice. *Id.* at 6-7. CDP will also launch a training for current and newly promoted supervisors that will help supervisors better understand their roles and responsibilities as Division supervisors. *Id.* at 7. The training will be ongoing, as newly promoted supervisors will receive the training immediately upon being promoted.

The Plan also dedicates substantial attention on completing—and subsequently implementing—key CDP policies and manuals for supervisory investigations of officer use of force, the Force Investigation Team, and the Force Review Board. *Id.* at 4.

In this fourth year of the Decree’s implementation, CDP will need to turn its attention to updating protocols around officer assistance and support. The Consent Decree contains a host of requirements around revising CDP’s performance evaluations and officer intervention program. Dkt. 7-1 at ¶¶ 312-16; 326-36. For that reason, the Plan details a number of critical first steps, such as the completion of the Performance Evaluation Policy and the Officer Intervention Policy. Ex. A at 9-10.

Finally, among other notable deliverables, the Fourth Year Plan addresses the selection and swearing-in of new volunteer Commissioners on the Community Police Commission; the conclusion of the Office of Professional Standards’ (“OPS”) elimination of backlogged cases; the execution of OPS’s plan to promote community awareness; much needed hiring of additional OPS staff; and the execution of CDP’s plan to select, train, and utilize specialized crisis intervention officers who have passed an intensive 40-hour training on effective behavioral health responses. *Id.* at 3, 8, 12-13.

Altogether, the Fourth Year Monitoring Plan aptly reflects new priorities for the Decree’s ongoing implementation. The Parties and Monitoring Team are moving past negotiating policy provisions towards fashioning the structural changes necessary for the Division to best promote officer and public safety in a manner consistent with the Consent Decree’s mandated reforms.

III. CONCLUSION

The task of the Monitoring Team is to craft a plan for monitoring CDP’s implementation of the Consent Decree during its fourth year. Because the Fourth Year Plan continues to set clear

goals as the Parties enter a new phase of the Decree's implementation, the Monitoring Team and Parties together respectfully request that the Court approve the Fourth Year Monitoring Plan and order it effective immediately.

Respectfully submitted,

/s/ Matthew Barge

MATTHEW BARGE
Monitor
40 Washington Square South
New York, New York 10012
Tel: (202) 257-5111
Email: matthew.barge@21cpsolutions.com

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2019, I served the foregoing document entitled Motion to Approve Fourth Year Monitoring Plan via the court's ECF system to all counsel of record.

/s/ Matthew Barge
MATTHEW BARGE