

71-

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 CLEVELAND</u>
CITY OF CLEVELAND)	<u>DIVISION OF POLICE PROPOSED</u>
)	<u>SECOND-YEAR CRISIS</u>
Defendant.)	<u>INTERVENTION IN-SERVICE</u>
)	<u>TRAINING CURRICULUM</u>
)	

Pursuant to Paragraph 143 of the Consent Decree and the Revised Third-Year Monitoring Plan in the above-captioned matter, the City of Cleveland (the “City”), on behalf of the Cleveland Division of Police (“CDP” or “Division”), submitted proposed curriculum for its Second-Year Crisis Intervention In-Service Training for All Officers (“Proposed Crisis Intervention Training Curriculum” or “Proposed Training Curriculum”) to the Monitoring Team, attached hereto as Exhibit A.

The Monitoring Team has carefully reviewed the Proposed Training Curriculum. The Team has determined that it provides not only an important refresher on principles of the First-Year Crisis Intervention Training provided in 2017, but also specific guidance for officers to understand ways to resolve mental health crises, including by not arresting the subject and instead

referring to an appropriate mental health agency; transporting the subject voluntarily to a hospital or crisis center; transporting the subject involuntarily to a hospital or crisis center; and arresting the individual when appropriate. The Proposed Crisis Intervention Training Curriculum also addresses how trauma can impact law enforcement officers, the symptoms of post-traumatic stress disorder on officers, and how to access resources for help within the Division and in the Cleveland community. The Monitoring Team therefore recommends that the Court approve CDP's Proposed Training Curricula.

I. SUMMARY OF CONSENT DECREE REQUIREMENTS REGARDING CRISIS INTERVENTION TRAINING

Paragraph 143 of the Consent Decree obligates the CDP to “provide training on responding to individuals in crisis to all of its officers and recruits” and that the “initial and annual training will be adequate in quality, quantity, type, and scope[.]”

II. PROCEDURAL HISTORY

As part of the First-Year Crisis Intervention In-Service Training for all officers, trainees were asked to identify potential topics for the Second-Year Crisis Intervention In-service Training. Officers consistently identified Officer Wellness as a topic they felt would be critical for the next year's training. Additionally, officers identified recent changes in mental health procedures that needed clarification.

CDP advised the Mental Health Response Advisory Committee's (“MHRAC” or “the Committee”) Training Subcommittee that, given the Division's need to dedicate in-service training time to bias-free policing and community engagement and problem-solving, four hours of training would be dedicated to the Crisis Intervention In-service Training. As a result, MHRAC and the Training Subcommittee decided to develop four hours of in-service curriculum on the topics of

Officer Wellness and Legal and Policy Updates. MHRAC and the Training Subcommittee have members from CDP, community advocates, mental health and developmental service providers, as well as ad hoc representation from the Department of Justice, City of Cleveland, and the Monitoring Team.

The Subcommittee met numerous times and developed an outline for both topic areas. Representatives from CDP and the Alcohol, Drug Addiction, and Mental Health Services (“ADAMHS”) Board developed several iterations of the curriculum with initial feedback from the MHRAC Training Subcommittee and final approval from MHRAC. The curriculum also has been reviewed on an ongoing basis by the Parties and the Monitoring Team. The Training Subcommittee has been responsive to feedback and suggested revisions throughout the curriculum development process.

On July 9, 2018, MHRAC approved the final draft of the Proposed Second-Year Crisis Intervention In-Service Training Curriculum.

III. STANDARD OF REVIEW

The Monitoring Team’s role is to “assess and report whether the requirements” of the Consent Decree “have been implemented.” Dkt. 7-1 at ¶ 351; *accord id.* ¶ at 352 (requiring the Monitor to “review . . . policies, procedures, practices, training curricula, and programs developed and implemented under” the Decree). The task of the Monitoring Team here is to determine whether the Proposed Training Curriculum complies with the Consent Decree’s requirements.

IV. ANALYSIS OF THE PROPOSED TRAINING CURRICULUM

The Proposed Training Curriculum is a four-hour training block, consisting of two hours of Legal and Policy Updates and two hours of Officer Health and Wellness. Thus, the Proposed Training Curriculum will provide CDP officers with instruction on (1) the Division’s crisis

intervention policy as well as new mental health-related programs, and (2) the trauma and stressors affecting officer health and wellness, which often can influence how officers interact and engage with members of the public, including individuals in crisis.

The Legal and Policy Updates module teaches CDP officers about common dispositions for resolving a mental health crisis (and when each is appropriate); the Specialty Court Dockets of the Cuyahoga County Common Pleas Court and Cuyahoga County Juvenile Court; Assisted Outpatient Treatment programs; and protocols and case law on the “pink slip” document that is used to obtain emergency hospitalization for individuals who meet certain conditions relating to behavioral health.

The Officer Health and Wellness module covers occupational hazards of policing, including isolated and cumulative traumatic events; symptoms of post-traumatic stress disorders on law enforcement officers; ways to manage trauma and stress; recognizing when outside help is appropriate or needed; and resources for help within the Division.

Together, the two modules provide important guidance for Division officers. These topics review practical guidelines for the mental health system for officers encountering crisis events during patrol duties while also providing officers with a foundation for effective crisis intervention work by addressing their own psychological needs related to the challenges and stress of crisis intervention work.

V. CONCLUSION

The task of the Monitoring Team is to duly consider whether the City’s submitted Proposed Training Curriculum satisfies the terms of the Consent Decree. The Monitoring Team concludes that the Proposed Training Curriculum meets the terms of the Consent Decree. Accordingly, the

Monitor approves the Proposed Second-Year Crisis Intervention In-Service Training Curriculum in its entirety and requests that this Court order it effective immediately.

Respectfully submitted,

/s/ Matthew Barge

MATTHEW BARGE
Monitor
234 5th Avenue, Suite 314
New York, New York 10001
Tel: (202) 257-5111
Email: matthew.barge@21cpsolutions.com

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2018, I served the foregoing document entitled Motion to Approve Cleveland Division of Police Proposed Second-Year Crisis Intervention In-Service Training Curriculum via the court's ECF system to all counsel of record.

/s/ Matthew Barge
MATTHEW BARGE