

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 SUPERVISOR</u>
)	<u>TRAINING CURRICULUM</u>
Defendant.)	
)	
)	

Pursuant to Paragraphs 322 and 323 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 a proposed Supervisor Training Curriculum (the “Curriculum”), attached hereto as Exhibit A.

The four-hour Curriculum provides guidance to new and current supervisors on general leadership strategies and specific CDP subjects that will be critical for effective supervision of front-line officers. The Curriculum sufficiently addresses such important topics as guiding and counseling officers, reviewing written reports, providing feedback, promoting the Division’s newly-formalized philosophy of community and problem-oriented policing (“CPOP”), and making consistent disciplinary decisions following CDP’s revised disciplinary matrix. The

Monitoring Team therefore recommends that the Court approve CDP's Supervisor Training Curriculum.

I. SUMMARY OF CONSENT DECREE REQUIREMENTS REGARDING SUPERVISOR TRAINING

The Consent Decree requires that the Division “ensure that first line supervisors provide close and effective supervision of officers[,]” which is to include:

[R]esponding to, investigating, and documenting force as required by this Agreement; ensuring that officers are working actively to engage the community with the goal of increasing public trust; monitoring, commanding, and controlling incidents and calls for service; reviewing arrest reports for compliance with law and this Agreement; identifying training and professional development needs; and providing leadership, counseling, redirection, and support to officers as needed.

Dkt. 7-1 at ¶ 322.

In order to do so, CDP must “develop and implement mandatory supervisory training for all new and current supervisors” that is “adequate in quality, quantity, type, and scope[.]” *Id.* at ¶ 323. The training must include:

- techniques for effectively guiding and directing officers and promoting effective and constitutional police practices;
- de-escalating conflict;
- evaluating written reports;
- investigating officer uses of force;
- guiding officers to build community partnerships;
- understanding supervisory tools such as CDP's Early Intervention System and body worn cameras;
- responding to and investigating allegations of officer misconduct;
- evaluating officer performance;

- administering consistent disciplinary sanction and non-punitive corrective action;
- monitoring use of force to ensure consistency with CDP's revised force policies;
and
- legal updates.

Id. at ¶ 323.

II. PROCEDURAL HISTORY

In late 2018, as it turned its attention to training initiatives for 2019, the Division prepared a training curriculum for supervisors. It worked with the Department of Justice and Monitoring Team in the drafting process. On December 27, 2018, CDP submitted a proposed final draft of the Supervisor 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 submitted Supervisor Training Curriculum complies with the Consent Decree's requirements.

IV. ANALYSIS OF THE SUPERVISOR TRAINING CURRICULUM

The proposed Supervisor Training Curriculum maps out a four-hour overview training that includes both general leadership skills that would be valuable for any manager or supervisor, as well as CDP-specific subjects such as directing officers to engage community members, the CDP's current Early Intervention System, body worn cameras, and the Division's progressive disciplinary matrix.

The Curriculum appropriately notes that the qualities of a good officer are not the same as those of a good supervisor. Indeed, as the Curriculum states, supervisors are expected to play six simultaneous roles: (1) a manager, who manages the officers below him or her; (2) an inspector, ensuring that officers adhere to Division guidelines; (3) a director, taking control of difficult situations and identifying critical tasks; (4) a teacher, who recognizes moments to impart lessons; (5) an evaluator, who knows how to identify and address positive and negative behavior; and (6) a mentor, setting the tone for the general workplace. Ex. A. at 4-6. The Curriculum describes the vital traits of a good supervisor, such as good communication skills, integrity, self-confidence, and the ability to earn others' trust. *Id.* at 7-8.

The Supervisor Training Curriculum offers specific strategies for supervisors to guide and direct subordinate officers. This includes the “praise-correct-praise” method of address negative performance and different styles of leadership that may be appropriate for different scenarios and interactions with certain individuals. *Id.* at 9-10.

Critically, and as detailed elsewhere to the Court, the Division has committed to a newly-formalized philosophy of community and problem-oriented policing. The Supervisor Training Curriculum aptly encourages supervisors to ensure that officers understand their roles and responsibilities as part of the Division's commitment to CPOP. Supervisors are expected to show enthusiasm for CPOP, model community engagement by personally engaging with community members, emphasize that frontline officers are key to CPOP, and publicly commend officers who have demonstrated exceptional ability to work collaboratively with members of the public. *Id.* at 10-11.

The Curriculum also instructs supervisors on how to de-escalate situations before a use of force may be necessary, including by arriving on scene and acting as a mediator, demonstrating

compassion to defuse a tense situation, and calling for specialized Crisis Intervention Team officers where there may be a behavioral health crisis. *Id.* at 11-12.

The Curriculum also spends a substantial amount of course time on supervisors' responsibility to review written reports. As the training notes, properly written and objectively factual reports are vital in a professional law enforcement agency. They are needed for thorough prosecutions, defenses, and internal performance assessments. *Id.* at 14. Because supervisors review officers' reports and can return inadequate reports to officers, supervisors are best positioned to address and rectify poor report writing. The Curriculum emphasizes that reports must be factual, accurate, specific, use proper language and grammar (including the use of the active voice rather than the passive), and is in chronological order. *Id.* at 16-17. The Curriculum explains that "[c]anned, boilerplate, or conclusory statements are unacceptable[.]" *Id.* at 17. Supervisors should scan for problematic, conclusory language such as "furtive movements, disorderly actions, and aggressive behavior." *Id.*

CDP supervisors must also be equipped to counsel and motivate officers toward more effective performance. To that end, the Supervisor Training Curriculum details ways to provide guidance to officers who have exhibited deficient performance, including by way of CDP's Early Intervention Program (currently being redesigned to meet the requirements of the Consent Decree), a non-disciplinary intervention that identifies substandard performance. *Id.* at 19-21. The Curriculum also trains on the Division's disciplinary process, including how disciplinary decisions are requested, made, and ultimately imposed in accordance with CDP's new disciplinary matrix and police union contracts.

Altogether, the four-hour Supervisor Training Curriculum provides satisfactory instruction to new and current CDP supervisors on their various duties as front-line managers of officer performance.

V. CONCLUSION

The task of the Monitoring Team is to duly consider whether the City's submitted Supervisor Training Curriculum satisfies the terms of the Consent Decree. The Monitoring Team concludes that the Curriculum meets the terms of the Consent Decree. Accordingly, the Monitor approves the Supervisor Training Curriculum in its entirety and requests that this Court order it effective immediately.

Respectfully submitted,

/s/ Matthew Barge

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2019, I served the foregoing document entitled Motion to Approve Cleveland Division of Police Supervisor Training Curriculum via the court's ECF system to all counsel of record.

/s/ Matthew Barge
MATTHEW BARGE