



were received by it from December 1, 2017 to the most recent reporting period. This represents a completion percentage of 70.5 % of complaints received during this period. Of the 81 remaining open complaints, 68 are being actively addressed by OPS investigators, with the remaining 13 active complaint files having been referred by OPS to the Internal Affairs (“IA”) section of the Cleveland Division of Police (“CDP”). IA is the responsible agency for undertaking the investigation of potentially criminal allegations that are included in complaints filed by the community with OPS.

Further analysis of the 194 OPS cases that have been completed to date establishes that 119 cases were investigated to completion, 53 of the cases were administratively dismissed, with the remaining 22 cases having been administratively closed. To assist in understanding such categorization, an “administrative dismissal” will occur (a) when a complaint’s allegations are made against an individual who is not a CDP employee; (b) when the allegations have been made against a CDP employee who cannot be identified despite the best efforts of the OPS investigators; (c) when the allegations in a complaint against a CDP employee are of a civil nature and only address an employee’s off-duty conduct; and (d) when the allegations in a complaint against a CDP employee only concern the receipt of a traffic or parking citation with no other allegations being made. An “administrative closure” is distinguished from an administrative dismissal, with an administrative closure occurring in circumstances (a) where a new complaint against a CDP employee contains the same allegations that were previously made in a prior complaint received by OPS or, (b) where the allegations in a new complaint filed with OPS against a CDP employee are determined by OPS to raise new, but similar allegations in an already existing and previously filed case involving the same CDP employee. Under the latter circumstance described in (b) the new case complaint will be closed, but with the new similar

complaint allegations being consolidated with the already existing OPS case for full investigation.

Review by quarter of the 227 cases received by OPS in calendar year 2018 provides:

<u>2018</u>	<u>Cases Opened</u>	<u>Cases Closed</u>	<u>Completion Rate</u>
Jan – March	48	46	95.8
Apr – June	54	50	92.6
Jul – Sept	49	33	67.3
Oct – Dec	<u>76</u>	<u>36</u>	<u>47.3</u>
	227	165	72.7

The data well documents the continuing and timely efforts being undertaken by OPS to stay current with investigations as they are received.

### **III. Hillard Heintze — Backlog of Investigations**

In early 2018 the City first contracted with Hillard Heintze LLC for the basic purpose of addressing an existing backlog of OPS investigations that accrued during the period 2015-2017, while the OPS focused its efforts on remaining current with its investigation and completion of complaints received on and after December, 2017. Hillard Heintze’s work in addressing the existing backlog has been undertaken in three separate contractual phases.

#### Phase One

The first contract period, Phase One, involved Hillard Heintze conducting a comprehensive review and assessment of 281 backlogged pending complaints that had been received by OPS during the 2015-2017<sup>1</sup> time period. This first phase was addressed in the City’s August 2018 Status Report to the Court. (Dkt.215). This assessment period allowed Hillard Heintze to evaluate the scope and quality of the investigation activities that had been completed

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<sup>1</sup> Also Included within the 281 total of backlogged cases being reviewed by Hillard Heintze were three cases that had actually originated in 2014.

to date in each of the cases.

### Phase Two

The City entered into a second contract with Hillard Heintze following the completion of Phase One. The Phase Two period involved Hillard Heintze evaluating each of the backlogged cases it had received to determine case by case whether sufficient evidence actually existed that would warrant further investigation. The nature of the evaluative work to be accomplished in Phase Two was generally addressed in the City's December 2018 Status Report. (Dkt. 228). Phase Two resulted in the closure of files where sufficient evidence did not exist to proceed further, the completion of files that were almost completed when received by Hillard Heintze, and the establishment of an investigatory road map to be used where the Phase Two review had established that there was sufficient evidence for proceeding. Hillard Heintze completed its Phase Two work in January, 2019. As a result of the Phase Two review, 137 cases were closed for lack of evidence or completed and returned to OPS. Of this number, 23 of the cases involved completed investigations that were returned to OPS and heard by the Cleveland Police Review Board ("CPRB") at its February 12, 2019 meeting. At the completion of Phase Two, Hillard Heintze had identified 144 backlogged cases that remained for investigation and completion.

### Phase Three

On January 28, 2019 Cleveland City Council provided the necessary authority to enter into the contract with Hillard Heintze to complete the Phase Three investigations. Hillard Heintze is beginning the Phase Three work somewhat contemporaneously with the filing of this Status Report. Hillard Heintze begins this final phase with a close working relationship with OPS that was developed during the two initial phases. Hillard Heintze has direct access to and is utilizing CDP's IAPro system in the same manner as OPS to electronically enter, track and

maintain the investigations of the backlogged cases it received. Hillard Heintze's ability to upload investigation related documents directly into the IA Pro system provides the OPS administration with the ongoing capability to monitor and review the company's investigation work product for each of the 144 cases to be completed in Phase Three.

Investigations to be completed by Hillard Heintze in Phase Three will include interviews, obtaining the locally sourced evidence that was identified in Phase Two, and, completion of all investigative steps that are necessary to close an OPS handled investigation. Hillard Heintze investigators will be present and on the ground in Cleveland to conduct the necessary investigative work. Office space has been provided to Hillard Heintze at the same building location where OPS is housed. During Phase Three OPS will continue to retain final approval authority for each of the investigations undertaken by Hillard Heintze. Each of the completed backlogged investigations cases will be presented to the CPRB for hearing and disposition. It is presently anticipated that Hillard Heintze should finish Phase Three within this calendar year.

#### **IV. Conclusion**

OPS has continued to focus on remaining timely in completing the investigation of all complaints received from the public on and after December 1, 2017. In coordination with the efforts being undertaken by OPS to remain current, Hillard Heintze has now entered into the final Phase Three of the efforts to be undertaken to eliminate the remaining backlog of 2015-2017 cases. The documented progress by OPS in meeting its duties over the past 15 months, along with the work undertaken by Hillard Heintze, exhibits continuing improvement and commitment by the City and OPS to ensuring that the standards of professional service owed to the public and the members of the Cleveland Division of Police are attained.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the “City of Cleveland’s Status Report Re: Office of Professional Standards” was filed electronically on March 4, 2018. 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. Pursuant to the requirements of the Consent Decree the Monitor Team has been delivered a copy of this filing.

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