

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>NOTICE SUBMITTING MONITORING</u>
CITY OF CLEVELAND	)	<u>TEAM'S FIFTH SEMIANNUAL REPORT</u>
	)	<u>& COMPREHENSIVE RE-ASSESSMENT</u>
Defendant.)	
)	
)	

The Cleveland Police Monitoring Team respectfully submits its Fifth Semiannual Report and Comprehensive Re-Assessment.

Respectfully submitted,

/s/ Matthew Barge

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Cleveland
Police
Monitoring
Team

Fifth Semiannual Report & Comprehensive Re-Assessment

August 2018

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I. INTRODUCTION

This report of the Cleveland Police Monitoring Team is different in content, and scope, than the four regular, semiannual reports that have preceded it. Under paragraph 374 of the Consent Decree, the Monitoring Team is tasked with “conduc[ting] a comprehensive outcome assessment to determine whether and to what extent the outcomes intended by this Agreement are being achieved”¹ Among other things, the assessment must “address areas of greatest achievement and the requirements that appear to have contributed to this success, as well as areas of greatest concern, including strategies for accelerating Substantial and Effective Compliance” with the Decree generally.²

This Fifth Semiannual Report and Comprehensive Reassessment therefore is a wide-ranging look at the progress made, efforts currently underway, and work remaining toward the City of Cleveland’s (the “City”) compliance with the Consent Decree involving the Cleveland Division of Police (“CDP,” “CPD,” the “Division of Police,” or the “Division”).³

Overall, the report finds the City and Division of Police having made notable and significant progress in a number of critical areas, including, first and foremost, with respect to use of force. The Division has, to date, revised its policies on officer use of force with community participation and collaboration, designed and completed a comprehensive training curriculum for all officers on those new policies, and, as of January 1, 2018, implemented those policies across Cleveland.

Although the numbers necessarily capture a limited timeframe, the outcomes following the implementation of the new force policies are encouraging: **use of force is down even as crime and officer injuries are down.** Specifically, and as this report elsewhere discusses in further detail, use of force was down over the first five months of 2018 as compared to the same period in 2017 by nearly 40 percent.⁴ Meanwhile, crime in Cleveland was down significantly over the same period across almost every category.⁵ The results of the Decree-required community survey tend to support the proposition that the decrease in crime is indeed related to a lower rate of offense (rather than a lower crime reporting rate). As officers are using force less and crime is down, officers are being injured less frequently under the new force policies – with 65 percent fewer officer injuries occurring in use of force incidents, and 12 percent fewer officer injuries occurring overall, in the first five months of 2018 as compared to 2017.

A reduction in force overall does not, and will not, necessarily establish compliance with the Decree overall or indicate that the Division is using appropriate and lawful force. For one thing, the Division cannot establish constitutional policing by failing to police or refusing to use force where it is reasonable, necessary, and proportional to protect the public, subjects, or officers. For another, the force the Division does use, regardless of how many force incidents it has overall, needs to comply with its policies and the Decree. To that end, the

¹ Dkt. 7-1 ¶ 374.

² *Id.*

³ The Division’s personnel variably refer to the organization as “CPD” or “CDP.” Because the Consent Decree uses the abbreviation “CDP,” this report primarily uses that abbreviation.

⁴ The 2018 numbers exclude the pointing of a firearm at an individual, which was not low-level reportable force in 2017 as it is now in 2018. To ensure something akin to a uniform, apples-to-apples comparison, this comparison does not include force incidents in which the only force reported was the pointing of a firearm at a person.

⁵ The evaluation here, discussed later in the report, is with respect to Part I crimes.

Monitoring Team and Parties will be working in the coming months to evaluate force incidents and determine whether officers are indeed complying with the requirements of the new policy. Finally, the CDP has to demonstrate that it has the systems and processes in place to identify officer performance when it comes to force that is inconsistent with policy and take appropriate steps in those instances.

Despite these caveats, the City—and, most importantly, the men and women of the Cleveland Division of Police—should be commended on these encouraging, early signs that the new use of force policies may be leading officers to keep themselves and the community just as, and in fact more, safe even as they use force less overall.

Likewise, **the Division has made great strides in its approach to interacting with individuals experiencing behavioral health crises.** In collaboration with the Mental Health Response Advisory Committee (“MHRAC”) and with the leadership of the Alcohol, Drug Addiction, and Mental Health Services Board of Cuyahoga County (“ADAMHS”), the City of Cleveland has crafted a set of crisis intervention policies that are beginning to be recognized as some of the strongest and most forward-thinking of any in the country. The Division’s officers are receiving specific training and instruction on various mental and behavioral health issues so that they can respond better and link subjects to appropriate social service responses when necessary. Data to measure outcomes definitively still await comprehensive implementation of the Division’s upgraded Computer-Aided Dispatch (“CAD”) system, slated to be fully implemented around the end of August 2018. Nevertheless, the policy, process, and training progress that the City has made has been significant and commendable.

Further, the City and Division of Police, more than ever before, are partnering with the community to discuss what policing should look like in Cleveland going forward. The City and CDP put in substantial time and effort on crafting comprehensive plans on community and problem-oriented policing, staffing, and the recruitment and hiring of new officers. Those plans were made public in May 2018 and have been the subject of an intensive community engagement effort by the Division.

At the same time, the City and Division have traveled a substantial distance to providing officers with the equipment and technological resources that they need to do their jobs effectively and safely. Since the start of the Consent Decree, a new records management system has been implemented, despite some early challenges. Subsequent roll-outs of a learning management system to provide and track officer training, installation of mobile data computers in all patrol cars slated to be retained by the Division, and implementation of a strategic car replacement plan have all proceeded smoothly and effectively. The Division is slated to have all of its districts up and running on its upgraded Computer-Aided Dispatch platform as of the end of August 2018. Cleveland is also in the process of hiring some 200 additional police officers – which has the promise to ease at least some of the conditions and challenges that officers discussed with the Monitoring Team in its December 2017 officer focus groups.

This report also finds that the Division needs to make substantial progress on many other fronts. To date, much focus has been on the design of new policies, procedures, systems, and structures that comply with the Consent Decree and enable CDP to provide the types of services that it and the community wants. The Division has traveled a good distance on this front. Most of the relevant policies or plans contemplated by the Decree are either being finalized or well on their way to being completed.

As the Monitoring Team has previously observed, however, paper is only relevant when it is put into practice. Once CDP memorializes expectations for officers and the organization going forward, it still has to train officers in those expectations; supervise officers to ensure that they are meeting those expectations; and ensure meaningful implementation and progress across time, incidents, cases, encounters, or officers.

To some extent, the areas that will require the most effort and focus relate less to the responsibilities and duties of front-line patrol personnel and much more to how the Division of Police, as a professional organization, functions, manages its personnel, implements its strategic initiatives, and tracks its performance. Various changes in the Division's structure when it comes to reviewing officer use of force need to be finalized and implemented – including implementation of protocols of supervisory reviews of low-level force incidents; the selection, training, and activation of the Decree-mandated Force Investigation Team (“FIT”) to investigate serious uses of force; and the full implementation of a Force Review Board (“FRB”) to comprehensively analyze use of force incidents. Similarly, changes in the Division's internal accountability structure and system, including implementation of various Internal Affairs policies and procedures, need to be implemented and sustained over time. Work remains to ensure that CDP's disciplinary system is fair, thorough, and timely.

Separately, and still within the Division of Police, policies on search and seizure need to be finalized, officer training designed and conducted, data and information on stop encounters logged over time, and officer compliance with policy and outcomes measured. The Division's policies and procedures for running its Early Intervention System – a non-disciplinary, non-punitive mechanism for officers at risk of exhibiting problematic performance trends to get counseling, training, or mentoring in an effort to improve professional growth – need to be designed and implemented across the Division. The various plans that have been the subject of community feedback and comment this summer – on Community and Problem-Oriented Policing, Staffing, and Recruitment and Hiring – need to be finalized, approved, and implemented such that the initiatives, benchmarks, milestones, and goals articulated in the plans become reality.

As the Monitoring Team has previously reported to the Court and discusses in this report, CDP also will need to take steps to ensure that its rank-and-file personnel feel heard, included, and valued as the Division continues to make progress and asks, in some cases, for officers to take on additional responsibilities or use their time in different ways than they have in the past. The Team's focus groups of officers suggested a disconnect between headquarters or senior command staff and patrol officers – with officers left unsure of what they are to do and skeptical of the fairness of various accountability systems.

One of the accountability systems about which both officers and community members appear to remain skeptical is the process for investigating civilian complaints. The Office of Professional Standards (“OPS”) is now led by a new administration, and the Monitoring Team is optimistic that the Office and its personnel can navigate its responsibilities in the manner that it must. At the same time, the City is continuing to need to focus on resolution of the old, backlogged cases that accumulated in past years. The satisfactory resolution of those complaints, along with a better-functioning OPS that can comply with the terms of the Court-approved OPS Manual and Consent Decree requirements, will be necessary to ensure the full, fair, thorough, objective, and timely investigation of civilian complaints.

The Consent Decree “will terminate when the City has been in Substantial and Effective Compliance” with the Decree's “search and seizure provisions for one year and with all of the remaining provisions for two consecutive

years.”⁶ “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 the Decree’s “outcome measures.”⁷

Thus, after the City has demonstrated Substantial and Effective Compliance, the Division will need to maintain its altitude, across most areas of the Decree, for two continuous years. For search and seizure, compliance will need to be maintained for one year.

With policies on force review, internal investigations, and search and seizure still being finalized; plans on community policing, staffing, and recruitment and hiring needing to be approved and implemented; a host of training initiatives still needing to be designed and given to officers; and significant work remaining in other areas on finalizing policies, systems, and processes, the City has some distance to ensure that all areas of the Decree are in the active implementation mode. Once there, the Division and City have to meet the expectations of the Decree across time, incidents, cases, encounters, and/or officers – not simply in one area or a random assortment of areas but, in fact, “all material requirements” of the Decree. After that, the City has to maintain that level of performance for a two-year period (or a one-year period in the case of search and seizure).

Ultimately, then, this Fifth Semiannual Report and Comprehensive Reassessment finds that **the City of Cleveland and its Division of Police have come a long way under the Consent Decree in its initial years.** A number of important milestones have been reached, strong policies and training implemented, and major new approaches and systems designed. The Monitoring Team commends the City and CDP for their hard work and focus in getting the Division to where it is today.

Significant work undoubtedly remains. The Monitoring Team is optimistic that, with the continued hard work and focus of all stakeholders, the upcoming reporting period will see many important policies finalized, training programs completed, and major reforms implemented – accelerating the rate of progress toward Substantial and Effective Compliance with the Decree.

The remainder of this report seeks to provide an in-depth accounting of this success that has been realized and the work that CDP and the City will need to conduct in coming months. For each major section of the Consent Decree, the various chapters of this report first begin by providing the summary “status of compliance” for each paragraph of the Decree that the Team has used in prior semiannual reports. The report then provides background on the identified issue and summarizes what the Division and City have accomplished to date in the area.

Next, each report chapter describes where the Division currently stands – in terms of the current state of progress in implementing specific reforms and in more general terms with respect to data, aggregate trends, and overall outcomes. Within these report sections, the Monitoring Team describes and analyzes, where available, the results of the latest, Decree-required “outcome measurements.”⁸ This includes analysis of the Division’s data, the

⁶ Dkt. 7-1 ¶ 401.

⁷ *Id.*

⁸ Dkt. 7-1 ¶ 367. In prior years, the Monitoring Team has provided the Court with a standalone report on outcome assessments. It incorporates the outcome assessment process into the Comprehensive Reassessment process this year to comply with the Decree’s terms. *Id.* ¶ 374.

Monitoring Team's qualitative analyses, the latest community survey conducted in June 2018,⁹ the results of officer focus groups conducted in late 2017, and other information. A full accounting of relevant quantitative outcome measures is attached to this report as Appendix B.¹⁰

Each report chapter then inventories the major areas of progress and implementation tasks that remain to be accomplished for the Division to come into compliance with the various requirements in each major area.

Finally, the Monitoring Team observes that this report is long. At times, it is dense. That length and density is necessary, however, in order to describe adequately the details that matter in driving the results—"constitutional and effective policing, professional treatment of individuals, and increased community trust"¹¹—that are at the heart of the Consent Decree.

⁹ In June 2016, the Monitoring Team provided the Court with a standalone report on the required community survey. It incorporates the survey into its present Comprehensive Reassessment, with the report on the survey results included as Appendix A.

¹⁰ Data in Appendix B regarding officer use of force, while generally accurate, come with some caveats due to technical issues relating to the Division's method of collecting data on use of force in IAPro. The Division primarily measures uses of force at the incident level, with the exception of measuring electronic control weapon uses of force (such as a Taser) at the officer level. There also were duplicate entries in data that was initially provided to the Monitoring Team. Thus the numbers reported in this Fifth Semiannual Report may differ slightly from final, official counts by CDP.

¹¹ Dkt. 7-1 ¶ 350.

II. THE ROLE OF THE MONITORING TEAM & THIS REPORT

As with the Monitoring Team's previous reports, the role of the Monitoring Team and of this report are useful to summarize at the outset. Under the terms of the Consent Decree between the United States and the City of Cleveland (the "City") (collectively, the "Parties") involving the Cleveland Division of Police, the Court-appointed Monitoring Team must "assess and report" to the Court whether the Decree's requirements "have been implemented, and whether this implementation is resulting in constitutional and effective policing, professional treatment of individuals, and increased community trust"¹² This is the Monitoring Team's fifth semiannual report.¹³ It addresses the reporting period of January through July 2018. It is also the Comprehensive Re-Assessment required by paragraph 374 of the Decree.¹⁴

The Monitoring Team is an "agent of the Court" that is "subject to the supervision and orders of the Court."¹⁵ The task of the Team is to assess, independently and on behalf of Judge Solomon Oliver, Jr., whether CDP and the City of Cleveland have reached compliance with the various and diverse requirements of the Consent Decree. Thus, as the Monitoring Team has previously outlined, it "is not an employee, contractor, or any other type of agent" of either the City of Cleveland or the United States Department of Justice ("DOJ").¹⁶ Instead, it works for the Court.

As part of that charge, the Team assists in facilitating Consent Decree implementation by providing technical assistance and Counsel to the Division of Police and City of Cleveland. Although its ultimate task is to inform the Court and DOJ about the City's compliance with the Consent Decree, the Team provides ongoing assistance geared at ensuring effective, efficient, and expeditious progress.

A. The Revised Third-Year Monitoring Plan

The current, Revised Third-Year Monitoring Plan addresses the period of February 1, 2018 through January 31, 2019.¹⁷

B. The Purpose and Form of This Report

In its Third Semiannual Report, the Monitoring Team began summarizing the status of the City's compliance with each paragraph of the Consent Decree. Although providing "a paragraph-by-paragraph accounting of the general state of the City's compliance . . . runs the risk of being an over-simplification," the Team continues to conclude that these summary characterizations are useful markers for understanding progress over time.¹⁸

Thus, each major section of this Fifth Semiannual Report and Comprehensive Re-Assessment summarizes the Monitoring Team's generalized conclusions about the status of compliance by describing the state of each area as one of the following:

¹² Dkt. 7-1 ¶ 350.

¹³ *Id.* ¶ 375 (requiring semiannual reports).

¹⁴ *Id.* ¶ 374 (describing requirements of Comprehensive Re-Assessment).

¹⁵ First Semiannual Report at 14.

¹⁶ *Id.*

¹⁷ *See* Dkt. 203.

¹⁸ Third Semiannual Report at 9.

Non-Compliance. The City or Division has not yet complied with the relevant provision of the Consent Decree. This includes instances in which the City or Division's work or efforts have begun but cannot yet be certified by the Monitoring Team as compliant with a material component of the requirement.

Evaluation Deferred. This category reflects those limited instances where work in a given area has been intentionally and affirmatively deferred in order to work on other, necessary prerequisites. In these areas, the City or Division could have made more progress in a given area but, for project management reasons, have appropriately focused attention on other areas. Although this still means that the City has a distance to travel to reach General Compliance with the term of the Consent Decree, the intentional and affirmative decision to postpone focus on a given area for project management and implementation purposes is sufficiently different to warrant a separate designation in some cases.

Partial Compliance. The City or Division has made sufficient initial strides or sufficient partial progress toward compliance toward a material number of key components of the provision of the Consent Decree – but has not achieved operational compliance. This includes instances where policies, processes, protocols, trainings, systems, or the like exist on paper but do not exist or function in day-to-day practice. It may capture a wide range of compliance states or performance, from the City or Division having taken only very limited steps toward operational compliance to being nearly in operational compliance.

Operational Compliance. The City or Division has made notable progress to technically comply with the requirement and/or policy, process, procedure, protocol, training, system, or other mechanism of the Decree such that it is in existence or practice operationally – but has not yet demonstrated, or not yet been able to demonstrate, meaningful adherence to or effective implementation, including across time, cases, and/or incidents. This includes instances where a given reform is functioning but has not yet been shown, or an insufficient span of time or volume of incidents have transpired, to be effectively implemented in a systemic manner.

General Compliance. The City or Division has complied fully with the requirement and the requirement has been demonstrated to be meaningfully adhered to and/or effectively implemented across time, cases, and/or incidents. This includes instances where it can be shown that the City or Division has effectively complied with a requirement fully and systemically.

The same caveats that have previously applied to the use of these summary categories remain applicable. First, “Non-Compliance” or “Partial Compliance” does not automatically mean that the City or CDP have not made good-faith efforts or commendable strides toward compliance. It might, instead, signify that initial work has either not yet begun or reached a sufficiently critical point where progress can be considered to have been made.

Second, “Partial Compliance” requires more than taking some limited, initial steps toward compliance with a requirement. It instead requires that the City or Division have made “sufficient, material progress toward

compliance” that “has graduated from the stages of initial work to more well-developed and advanced refinement of various reforms.”¹⁹

Third, these summary terms do not appear in the Consent Decree. The Team employs them in order to synthesize and summarize the report’s conclusions. Relatedly, compliance with individual paragraphs of the Decree is necessary for the larger, overall “Substantial and Effective Compliance” with the whole of the Consent Decree but it is not the same thing. Ultimately, “Substantial and Effective Compliance” with the Consent Decree will be reached when “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”²⁰ “by a preponderance of the evidence.”²¹

Fourth, the charts that summarize progress in each area also condense the requirements of each paragraph rather than reprinting the entire Consent Decree in the context of this report. As the Third Semiannual Report noted, “[a]ny imprecision detected or confusion created by these condensed or summarized requirements is unintended and, in any event, can be cured with reference to the original Consent Decree language itself.”²² The charts primarily cover paragraphs 14 through 340 of the Consent, but other paragraphs also contain requirements that the City must meet.²³

Following the release of the Third Semiannual Report, some community members, and CDP members, inquired about the basis for some of our summary conclusions. We reiterate that these overall “compliance status” conclusions at the start of each chapter do not take the place of the more rigorous quantitative and qualitative assessments of how CPD is performing over time:

[T]he Monitoring Team bases its assessments on its current understandings, knowledge, and information gained through ongoing work and discussion with CDP, the Parties, and other stakeholders. The assessments are informal to the extent that not all of them are necessarily informed by the type of exhaustive compliance and outcome measurements that are a critical component of the Consent Decree – and the summary determinations do not take the place of these more structured, systemic analyses. The intent is to provide a bottom line sense of where the Division is on the road to compliance. Ongoing, rigorous quantitative and qualitative assessments will provide a more comprehensive picture as work under the Consent Decree proceeds.²⁴

The Team’s characterizations of progress should ultimately be viewed as a synthesis or bottom-line accounting of the substantive discussions of each major Consent Decree area contained within this report.

¹⁹ *Id.* at 10.

²⁰ Dkt. 7-1 ¶ 456 (emphasis added).

²¹ *Id.* ¶ 397.

²² See Dkt. 7-1, available at <https://www.justice.gov/crt/case-document/file/908536/download>.

²³ See Third Semiannual Report at 10.

²⁴ *Id.* at 11.

III. COMMUNITY ENGAGEMENT AND BUILDING TRUST

Paragraph	Status of Compliance
14. CDP creation of “formal and informal mechanisms that facilitate ongoing communication between CDP and the many Cleveland communities it serves.”	PARTIAL COMPLIANCE

A. Community Police Commission (“CPC”)

Paragraph	Status of Compliance
15. Creation of CPC to make recommendations, work with Cleveland communities to develop recommendations, and “report to the City and community as a whole and to provide transparency” on reforms	GENERAL COMPLIANCE
16. Establishment of CPC Selection Panel to select CPC Commissioners; composition of CPC; and periodic meetings with Chief of Police to “provide recommendations.”	GENERAL COMPLIANCE
17(a). “[H]old public meetings across the City, complete an assessment of CDP’s bias-free policing policies, practices, and training, and make recommendations.”	GENERAL COMPLIANCE
17(b). “[A]ssist as appropriate in . . . development of training related to bias-free policing and cultural competency.”	GENERAL COMPLIANCE
17(c). “[O]n an ongoing basis, assess CDP’s community activities” and “make recommendations” related to “community engagement” and “community confidence”	PARTIAL COMPLIANCE
17(d). “[O]n an ongoing basis, review CDP’s civilian oversight structure to determine if there are changes it recommends for improving CDP’s accountability and transparency”	PARTIAL COMPLIANCE
17(e). “[P]erform other function[s] as set out in this Agreement.”	PARTIAL COMPLIANCE
18(a). “[R]eview and comment on CDP’s policies and practices related to use of force, search and seizure, and data collection and retention.”	PARTIAL COMPLIANCE
18(b). [R]eview and comment on CDP’s implementation of initiative, programs, and activities that are intended to support reform.”	PARTIAL COMPLIANCE
18(c). “[H]old public meetings to discuss the Monitor’s reports and to receive community feedback concerning CDP’s compliance with this Agreement.”	OPERATIONAL COMPLIANCE
19. “The City will provide access to all information requested by the Commission related to its mandate, authority, and duties unless it is law enforcement sensitive, legally restricted, or would disclose a personnel action.”	PARTIAL COMPLIANCE
20. CPC “will issue [at least annual] reports,” which the “City will post . . . to the City’s website.”	OPERATIONAL COMPLIANCE
21. “The City will consider and timely respond in writing to the Commission’s recommendations for improvements,” which “will be posted to the City’s website.”	NON-COMPLIANCE
22. CPC budget listed as “separate line item” to ensure “sufficient independence and resources.”	GENERAL COMPLIANCE

Background

Community engagement and participation is at the heart of the Consent Decree process. Mindful that policing is a public service, the Decree requires that the public whom the police serve, protect, and represent have the ability to work together with CDP on how policing should look and function in Cleveland going forward.

In its 2014 investigation, the Department of Justice observed “community □ distrust” and “inflamed community perceptions [of the CDP], particularly in the African-American community[.]”²⁵ Accordingly, the Consent Decree seeks to enhance “community engagement and trust” through two, specific “formal mechanisms . . . that facilitate ongoing communication between CDP and the many Cleveland communities it serves.”²⁶ Those two mechanisms are the Cleveland Community Police Commission (“CPC” or “Commission”) and the District Policing Committees (“DPCs”).

The Community Police Commission is a mechanism created through the Decree “to promote public trust and confidence in the CDP” and to “make recommendations to the Chief of Police and the City, including the Mayor and City Council” based on the “values and priorities of Cleveland residents.”²⁷ The CPC is intended to serve as a conduit between the Consent Decree reform process and Cleveland’s diverse communities, and the scope of its charge is far-reaching. Under the Decree, the CPC has the broad authority to “review and comment” on the Division’s “policies and practices related to use of force, search, and seizure, and data collection and retention” as well as any “initiatives, programs, and activities that are intended to support form.”²⁸

What Has Been Accomplished to Date

As with any new organization, the early days of the Commission were accompanied by growing pains. The CPC spent its first months consumed in discussions to determine how it should operate, function, and structure itself in order to best accomplish its Decree-mandated duties. There were productive, spirited debates over the Commission’s proper role. There were also, at times, disagreements among the Commissioners that led to interpersonal conflicts that, from time to time, seemed to distract the group from focusing on substantive issues related to policing.

Despite these growing pains, the Commission accomplished critical early tasks, including gathering community input on CDP’s revised mission statement, the use of force policy, the OPS manual, and job descriptions for the now-hired Inspector General and head of Internal Affairs. The Commission also turned to related areas including recommendations on the Police Review Board manual, recommendations on the initial Equipment and Resource Plan, and the CPC’s first annual report. Meanwhile, in an effort to better organize its workflow, the Commission established several internal governance committees.

To accomplish their substantive charge, individual commissioners took on substantial responsibilities – much more than what could reasonably be expected of a volunteer unit. Staff from other entities, such as the Cleveland Foundation, provided critical assistance in the early days. The first co-chairs, Dr. Rhonda Y. Williams and Mario Clopton-Zymler, shepherded the CPC through its nascent stages and tackled numerous critical challenges. Their

²⁵ DOJ Findings Letter at 8, 49.

²⁶ Dkt. 7-1 at ¶ 14.

²⁷ *Id.* at ¶ 15.

²⁸ Dkt. 7-1 at ¶¶ 18(a)-(b).

commitment, leadership, and administrative contributions were essential to the Commission producing timely input from the community to the Consent Decree process in the absence of a full-time staff.

Early on, the CPC learned to be flexible and adaptable in its community engagement efforts in order to attract a broad cross-section of community residents to its meetings. The Commission restructured the format of its meetings with the goal of “fostering a less contentious environment where people of different backgrounds, experiences, and points of view can all feel safe, valued, and comfortable expressing their perspectives.”²⁹

The CPC committees have also engaged community members in ways that are not specific to the Decree. For example, the Commission’s committees sponsored community viewings and discussions of a criminal justice-related documentary, as well as hosted a Townhall Day of Justice.

It quickly became apparent that, more than anything else, the CPC required a full-time staff to accomplish the day-to-day duties that a volunteer unit could not reasonably be expected to accomplish. The Parties and Consent Decree stakeholders hoped that a full-time staff would reduce the workload of individual commissioners and also establish clear lines of delegation and authority. By 2017, the selection process was underway. After an initial finalist accepted but then decline an officer, the Commission’s current Executive Director was hired and began in June 2017. Around the same time, in light of personnel changes and consistent with a requirement that the CPC adopted for itself to rotate leadership, two new Co-Chairs were appointed.

As it gained a full-time staff and increased capacity, the Commission took on significant endeavors to solicit community input. In summer 2017, the CPC presented policy requirements of then-current disciplinary policies to the public, provided recommendations for a new draft policy on officer discipline to CDP, conducted small group workshops on use of force and the CDP’s required Early Intervention System, and collaborated with other stakeholders to conduct community meetings on community and problem-oriented policing.

The new staff also made some strides toward building public awareness of the Commission and deepening community participation in the CPC’s engagement activities. The staff appropriately recognized that community engagement can mean, at different times, either broad-based citywide involvement or targeted outreach to specific communities. The Commission accordingly sought to tap into existing organizational networks built by other nonprofits, organizations, and city ward clubs; and attending routine community gatherings throughout the city.

The CPC staff familiarized themselves with the City of Cleveland’s budgeting and accounting processes. The CPC leased office space that is centrally located at 3631 Perkins Avenue. The CPC has also, with the help of the City, established a relationship with TV 20 to meet the videography needs of the Commission – which are aimed at furthering outreach with ever-broader and more diverse segments of Cleveland.

²⁹ Second Semiannual Report at 18.

Where the Commission Stands Now

Substantive Accomplishments

During the current reporting period, three new Commissioners, including new leadership of the CPPA and the Black Shield, joined. Based on its observations at CPC meetings, the Monitoring Team has been impressed by the new Commissioners' level of engagement with members of the public.

The CPC has held community meetings across the city covering a range of topics, including the Division's training and budget, body-worn cameras for officers on secondary employment, and the Monitoring Team's previous report. The CPC presented background principles on the Fourth Amendment and police encounters to educate community members on search and seizure principles before the CDP's policies become available for community input—a wise decision given the intricacies and legalities of the subject. The presentation was well-received by community members.

Staff collaborated with the Commissioners to create comprehensive workplans for soliciting, analyzing, and reporting community input on major Division plans and policies: the Search and Seizure policies and three major, interrelated Plans (CPOP, Staffing, and Recruitment). Engagement on the three Plans is underway, while the Search and Seizure policies are still being drafted. The CPC also secured software that allows them to more efficiently analyze written comments received as community feedback.

The CPC also hosted community meetings for members of the public to meet finalists for City and CDP positions. On March 21, 2018, the CPC held a meeting for the three finalists for the Administrator of the City's Office of Professional Standards. Community residents and members of the Police Review Board asked the candidates questions about the experience and capability to lead OPS. The CPC summarized the community's feedback and provided recommendations to the City on community members' preferences for candidate selection.

Organizational Challenges

While the CPC has seen a number of accomplishments in the current reporting period, it has also endured significant obstacles. In April 2018, the Executive Director was placed on administrative leave following workplace complaints brought by and between various members of the CPC's full-time staff. The City hired an outside law firm to investigate the situation and the complaints. The investigation found no support for the complaint.

On June 25, 2018, the final of CPC's full-time staff members resigned – leaving it without a data analysis coordinator, two community engagement coordinators, and an administrative assistant. The Executive Director is the only paid staff member remaining. Thus, the Commission is once again relying substantially on significant volunteer contributions. At the same time, a number of commissioners have resigned, threatening the Commission's ability to thoughtfully and thoroughly do its work.

The Commission reports that it is continuing to work with an organizational development consultant, which observed CPC operations and interviewed commissioners and staff in early 2018. The consultant shared its findings and recommendations with the CPC and other stakeholders in April 2018. The consultant is attempting to guide the Commission through a structured “rapid results” process to better mobilize the CPC and strengthen

its organizational structure. The Monitoring Team expects that the Commission will take immediate and full advantage of the consultant's expertise, especially during this tumultuous time given the abrupt changes in the CPC's staff.

Meanwhile, the purpose of the Commission is to serve as the conduit between the community and the reform process – and to be the place where Cleveland comes together to talk about the type of police services that it wants and needs. To the extent that employee issues and interpersonal dynamics among staff members, and among commissioners relating to those staff member issues, have distracted CPC from its important charge, the Parties and Monitoring Team – as well as various members of the Cleveland community – have been tremendously disappointed.

Progress and Tasks that Remain

In the short-term, the Commission is due to finish gathering community input on the Division's plans for CPOP, Staffing, and Recruitment and Hiring on September 28, 2018 (the Parties and Monitoring Team approved an extension to the public feedback period given the complexity and importance of the three Plans). In August, the CPC will begin similar community engagement efforts around the Division's Search and Seizure policies and DPC Strategy.

Beyond the immediate future, the CPC must take the steps necessary to ensure that it has the sustained organizational capacity to perform its fundamental function: "to promote public trust and confidence in the CDP" and to "make recommendations to the Chief of Police and the City, including the Mayor and City Council" based on the "values and priorities of Cleveland residents."³⁰

The Monitoring Team will be clear: **the CPC is not, and cannot be, the sole vehicle for community participation in policing. Other structures, organizations, and avenues need to be involved in a sustained and ongoing way to ensure that all of Cleveland's diverse communities are heard on policing issues.** As this report details elsewhere, the City and Division of Police have commendably engaged with the community in a comprehensive manner on plans relating to community policing, staffing, and recruitment and hiring – formally involving entities and organizations in structured dialogue on major proposed changes before they are implemented.

At the same time, the Parties created the Commission in the Consent Decree to serve as a focused hub of community conversation about policing. The Commission needs to recommit itself continually to this charge.

It is understandable that commissioners may hold different visions for how the community ought to be involved during the Decree's implementation. At times, however, such disagreement has threatened to jeopardize the CPC's long-term credibility.³¹ Individual commissioners and full-time staff members are, on their own, competent, qualified, and passionate. The Consent Decree certainly does not mandate that CPC staff and commissioners be best friends and work together in conflict-free harmony. Still, to effectuate its mission, the

³⁰ *Id.* at ¶ 15.

³¹ See Eric Heisig, Investigation into executive director latest instance of turbulence for Cleveland Community Police Commission, *Cleveland.com* (April 9, 2018), [http://www.cleveland.com/cityhall/index.ssf/2018/04/investigation_into_executive_d.html?%STOP%ath=%eval%2olower%20\\$md5_email%](http://www.cleveland.com/cityhall/index.ssf/2018/04/investigation_into_executive_d.html?%STOP%ath=%eval%2olower%20$md5_email%).

Commission will have to find a way to resolve internal disagreements and focus on the challenging tasks of engaging as much of the community as possible on the vital conversations about how policing will function in Cleveland in the future.

Other communities in cities facing challenges with their police departments lobby for commissions or groups with the kind of charge of Cleveland's CPC. It can and should be a powerful, long-term platform for substantive, forward-looking discussions. The longer that the Commission is sidetracked by internal challenges, whether disagreements among commissioners or issues among staff members, the more that the CPC risks continuing to lose credibility in quarters of the community and the City that need to be involved and come together to work on highly substantive matters central to the reform process.

As the Monitoring Team has observed previously, the work of representative democracy is hard. In a process where different stakeholders deliberate and negotiate matters of public interest, not everyone will get what they want on every issue. The Commission retains the ability to become the experts and authority on substantive police issues in a way that can bridge divides and lead the community toward productive conversations and debates. To this end, the City and Division, as well as the Consent Decree, have a stake in the Commission's success and sustainability. The Parties and Monitoring Team will be looking to CPC in the next reporting period to focus its energies and the time that commissioners admirably provide to the venture relentlessly on figuring out how to best involve the widest array of Cleveland residents in substantive conversations about how policing should work in Cleveland going forward.

B. District Policing Committees

Paragraph	Status of Compliance
23. Facilitation of "regular communication and cooperation between CDP and community leaders at the local level," with District Policing Committees meeting "at minimum, every quarter."	PARTIAL COMPLIANCE
24. CPC, CDP, and Community Relations Board ("CRB") will "develop a mechanism to recruit and expand" Committee membership." CDP "will work with [Community Police] Commission to select officers for each District Policing Committee."	PARTIAL COMPLIANCE
25. CDP "will work closely with District Policing Committees to identify strategies to address crime and safety issues in their District," considering and addressing identified priorities.	PARTIAL COMPLIANCE
26. "At least annually, each District Policing Committee will present its identified strategies, concerns, and recommendations" to the CPC, with CDP officer who is Committee member presenting to CPC "CDP's assessment of ways to address" the recommendations."	NON-COMPLIANCE

Background

The CPC, as noted above, is not and cannot be the only place in the Cleveland community that focuses on policing issues. No single entity, organization, or initiative is likely to reach every corner of the community or attract everyone who may be interested in participating in the conversation. Indeed, the CPC is not the only structure in the Consent Decree focused on involving the community in an ongoing way.

The Decree calls for the expansion – building on existing structures – of five District Policing Committees, or one for each of the five police districts within the city of Cleveland.³² Those Committees, which existed long before the Consent Decree process, must work to “identify strategies to address crime and safety issues in their District.”³³

What Has Been Accomplished to Date & Where the DPCs Stand

Until recently, there has been relatively little change in the DPCs’ function since the start of the Consent Decree’s implementation. While some individual DPCs experimented to recruit new audience members to its meetings, there has been relatively little movement on some of the operational changes required by the Consent Decree.

There have been a number of recent, encouraging developments. First, the Division has worked to develop a “DPC Strategy” that will outline new expectations, goals, and visions for CDP’s use of its DPCs. In July 2017, the Division provided the Monitoring Team with a new strategy for the District Policing Committees. The document was an admirable plan geared toward building trust and collaboration between the Division and the many communities of Cleveland. It is clear that the Division values the DPCs and seeks to make them an integral part of its Community and Problem-Oriented Policing Plan.

One significant challenge for the DPCs is that they must expand their audience and membership. In the Monitoring Team’s engagement efforts on community and problem-oriented policing done over the summer of 2017, few people reported being aware of or comfortable with the District Policing Committees. Some community members specifically felt that DPCs functioned to serve the needs of a select few in Cleveland, not all residents of Cleveland.³⁴ While individual DPCs have occasionally taken steps to increase attendance at meetings, attendance needs to reflect the diverse makeup of each District. Even where attendance is high, such as the DPC meetings in the First and Second Districts, the audience does not always reflect the population of the District. The Monitoring Team and Parties will continue to work with the Division on its strategy for strengthening further the DPCs in the coming months.

Second, in the current reporting period, the City and Division have pushed the DPCs to become more active in the ongoing policy engagement initiatives. The Committees have been front and center on discussions about the three plans – CPOP, recruitment, and staffing – that have been the focus of community engagement and feedback over the summer. The Committees have held a series of substantive, well-attended meetings on these issues, and the City has engaged in structure presentations and dialogue to receive attendee feedback. The Monitoring Team is pleased that the City has been recognizing, in a somewhat different or more formal manner than previously in the Consent Decree process, that the DPCs are a powerful vehicle to receive community feedback. This process moves the DPCs substantially closer toward adequately involving the public in discussions of “law enforcement priorities and community policing strategies in their District” as well as “concerns or recommendations about specific CDP policing tactics and initiatives in their District.”³⁵

³² Dkt. 7-1 at ¶¶ 23-24.

³³ *Id.* at ¶ 25.

³⁴ Cleveland Police Monitoring Team, Community & Problem-Oriented Policing: Summary of Community Feedback & Recommendations, July 2017, available at https://docs.wixstatic.com/ugd/8a5c22_dfofbe2bc67d4e1a8ad3ac9c7098257b.pdf (last visited July 10, 2018).

³⁵ Dkt. 7-1 at ¶ 25.

The Monitoring Team is aware of some concerns by City stakeholders that the DPCs are being made subservient to the Community Police Commission by virtue of the Consent Decree process. The DPCs are not, by the text of the Decree, meant to serve the CPC; indeed, the two hold separate and complementary roles. The Consent Decree “mandate[s]” the CPC “to make recommendations . . . on policies and practices related to community and problem-oriented policing, bias-free policing, and police transparency” and “to work with the many communities that make up Cleveland for the purpose of developing recommendations for police practices[.]”³⁶ The DPCs, meanwhile, are meant “to facilitate regular communication and cooperation between CDP and community leaders at the local level.”³⁷ Consequently, the Monitoring Team welcomes the City and Division’s willingness to involve the DPCs during the ongoing community input process on major CDP policies.

Progress and Tasks that Remains

DPC Strategy

As described above, work on the DPC Strategy is well underway. Under the Third-Year Monitoring Plan, the City and CDP must revise and submit a draft of the DPC Strategy to the Parties, Monitoring Team, and the CPC, who will in turn provide feedback.³⁸ CDP will incorporate the feedback, as appropriate, into a final draft, which the Monitoring Team will recommend its approval or disapproval by the Court.

DPC and CPC Communication

The Consent Decree requires that “[a]t least annually, each District Policing Committee will present its identified strategies, concerns, and recommendations” to the CPC.³⁹ In 2017, the City reported that a personnel change for the Director of Community Relations had postponed the City’s ability to ensure that each DPC present its strategies and recommendations to the Commission. The DPC Strategy currently being developed will address this deficiency. Collaboration between the District Policing Committees and the CPC remains an untapped synergy that promises to better promote effective community and problem-oriented policing in Cleveland.

C. Monitoring Team’s Community Engagement and Outreach

The Consent Decree “calls for the robust, intensive, substantive[,] and sustained engagement of the community throughout the implementation process.”⁴⁰ In addition to the formal mechanisms of the CPC and DPCs and the ongoing work of all of the City, Division of Police, and Department of Justice, the Monitoring Team has also sought to gather and listen to the views of Cleveland residents.

The Monitor’s Community Engagement Team has conducted numerous community meetings and made presentations before groups of all kinds, e.g. religious congregations, social clubs, fraternities and sororities, political gatherings, ethnic coalitions, rank-and-file police officers, youth groups, and other populations with the city of Cleveland. The Engagement Team has attended local events and conducted a number of listening sessions with residents so they could share their views with the Monitoring Team and the Parties on critical issues

³⁶ *Id.* at ¶ 15.

³⁷ *Id.* at ¶ 24.

³⁸ Dkt. 195-1 at 1.

³⁹ Dkt. 7-1 at ¶ 26.

⁴⁰ First Semiannual Report at 21.

mandated for consideration by the Consent Decree. In those conversations, the Team has heard and learned a great deal about the experiences, expectations, values, interests, and concerns that individuals from all walks of life and backgrounds have with respect to law enforcement generally and CDP specifically.

The Monitoring Team's website, www.clevelandpolicemonitor.com, provides relevant information on the Consent Decree process and postings of events, meetings, and updates to the Monitoring Plan. It contains court filings, memoranda, and both finalized and proposed plans and policies drafted pursuant to the Consent Decree.

The Consent Decree requires that the Monitor conduct methodologically rigorous surveys throughout the implementation process. The purpose of these surveys is to “measure . . . public satisfaction with policing, attitudes among police personnel, and the quality of police-citizen encounters.”⁴¹ The Decree requires three types of surveys: (1) a survey “of a representative sample of City residents”; (2) a survey of “police personnel”; and (3) a survey of “detained arrestees.”⁴²

The following sections summarize the results of the 2018 resident survey, presented and discussed for the first time here and in Appendix A, and the late-2017 survey of police personnel that was previously filed with the Court in June 2018.⁴³ The Monitoring Team's report on its Spring 2017 survey of detained arrestees was filed with the Court in the Fall of 2017 and summarized in the Fourth Semiannual Report.⁴⁴

A. Community Survey

In the current reporting period, the Monitoring Team partnered with a research firm to gauge the prevalence and nature of Cleveland residents' interaction with the Division of Police. The research was intended to measure residents' perceptions of how the Division treats people across racial, socioeconomic, and demographic groups. The firm conducted 1,001 live telephone and text-to-web interviews with adults 18 and older in Cleveland who were selected at random, with interviews apportioned geographically, by zip code, based on Census information.

Overall, a majority (62%) of Cleveland respondents rated the CDP positively, and 36% rated the CDP negatively. Most respondents said that they feel safe in their neighborhood (81%) and in the city overall (75%). Still, few respondents (14%) thought the CDP is doing an “excellent” job.

Race was the biggest factor that separated views of the police. While 79% of white respondents and 69% of Latinos rated the CDP as doing a good job, less than half (49%) of African Americans rated the CDP positively. Further, most respondents—regardless of race—believed that the Division did a poor job of treating people of all races and groups equally. Age groups also led to different ratings of the CDP. Residents under 35, especially among African Americans, rated the police the lowest across all age groups.

Regionally, the CDP was rated much more positively on the westside of the city, particularly in the zip codes that correspond to CDP Districts 1 and 2. In Districts 3, 4, and 5, where the population is a majority African American, views of the Division were lower.

⁴¹ Dkt. 7-1 ¶ 363(a).

⁴² *Id.* ¶ 363(b).

⁴³ See Dkt. 204.

⁴⁴ See Dkt. 161; Dkt. 179 at 108–9.

African-Americans, or their family or friends, were more likely to report being stopped by CDP officers in a car, or being arrested, than white or Latino adults. Further, African Americans who have been stopped by the police are less likely than other races to believe that they were treated with respect or that they were not detained longer than necessary. They also are more likely to report being the victims of excessive force and being treated differently because of their race.

B. Officer Survey⁴⁵

As reported to the Court in June 2018,⁴⁶ the Monitoring Team conducted focus groups of CDP personnel in December 2017. A total of 78 line officers, detectives, and sergeants participated in a series of focus groups. The participants were selected at random from across all of the Division's Districts and Platoons. The focus groups were designed around open-ended, structured questions that touched on a range of issues.

Relationships and Engagements with the Community

Officers described a wide range of experiences with community members. Those who described their interactions with the community as positive tended to focus on the strong relationships that they had built over time with residents in their zone. Negative interactions included cussing, spitting, and “mean-mugging” by members of the community. Many officers expressed frustration over what they perceived to be low levels of cooperation from the community, including crime victims.

Many officers felt that they do not currently have sufficient time to engage with residents in a meaningful way or to build authentic relationships with the community. Officers contended that opportunities for engagement are especially diminished when the so-called “minimum car plan” is utilized or there is a major event or incident that spreads officer resources thin.

Officers discussed juveniles as the most challenging population with whom they work. While they were aware of and sensitive to the trauma that some have encountered by having a parent who has been arrested or incarcerated, officers also mentioned the challenge they believe they face from parents telling their children not to speak to the police or that the police will arrest them if they misbehave. Officers discussed a perceived lack of consequences many youth face in schools, at home, or in the legal system as an additional and ongoing frustration.

Some officers, recognizing a need to rebuild and renew the relationships, have taken initiative to develop long-term relationships with youth. However, many expressed frustration over how running from call to call has restricted their opportunities for engaging proactively with youth, or the community more broadly. More so, some officers felt that proactive work was actually being discouraged.

Use of Force

The focus groups revealed a great deal of concern, anxiety, and misinformation related to use of force and, specifically, the corresponding discipline and accountability procedures surrounding the enforcement of the use of force policy. In particular, many officers said that they and their colleagues are hesitant to go “hands-on” with

⁴⁵ Portions of this discussion are quoted or adapted from Dkt. 204-1 at 4-9.

⁴⁶ Dkt. 204.

subjects, even when that is necessary to ensure their, or the public's, safety – because they are never sure about whether a supervisor or investigator will call their use of force as out of policy.

Officers expressed a great deal of confusion surrounding what constitutes force, why certain types of force warranted a BlueTeam report (i.e., a report on the use of force entered into the Division's use of force computer database), and the consequences of accumulating BlueTeam reports on one's future and professional development. Indeed, perceptions of the modified use of force policy suggest that some officers may be hesitating before using any force due to confusion about the definition and consequences of using force. This lack of clarity and resulting hesitation to act in the field has made some of the officers that we spoke with uneasy – and concerned about their safety and the quality of backup they may receive.

CDP policy now requires that officers use de-escalation tactics and techniques, when possible, rather than immediately relying on force. Many of the officers conceded that they believe de-escalation is nothing new, but they feared that they are now being expected to de-escalate in situations where it could potentially compromise their safety, the subject's safety, or public safety more generally. In an effort to follow the policy, some officers felt that supervisors allow or even require overly protracted efforts to de-escalate, which might place officers, the subject, and members of the public in jeopardy.

Some officers highlighted CDP's pursuit policy – revised prior to the Consent Decree and, to date, not part of the Consent Decree effort – as impeding their ability to engage in some proactive police work. Specifically, officers expressed frustration that the suspects who they try to pull over during a traffic stop may take off – and, without chase, may not ever receive a summons. Officers say that the “no pursuit policy” makes their jobs more difficult, limits their ability to respond to public safety issues, and limits their ability to be a deterrent to criminal activity.

The Monitoring Team, in its collective experience with a variety of police departments, has consistently seen officers experience similar fears and concerns in the early stages of a policy change process, only to have those fears alleviated once they gained a clear understanding of, and experience with, the policies and related practices. In these focus groups, however, the level of confusion and uncertainty is concerning. From the officers' perspective, the combination of poor communication and training, coupled with overly zealous and poorly communicated disciplinary processes, is creating widespread dysfunction in the field, which clearly is unacceptable.

Additionally, and as this report elsewhere makes clear, some of the concerns that officers expressed – namely, that the use of force policy is making them and the Cleveland community less safe – do not at this early stage seem to be playing out when evaluating the numbers and trends over the first several months that the policy has been effective.

Instead, it appears that a disproportionate amount of the fear and anxiety stems from officers not feeling like they have sufficient clarity with respect to what is expected of them and what will occur if they fall short of those expectations. This suggests that it is less the content of the new policy – which aligns with the existing policy of numerous other law enforcement departments across the country – or how things are playing out on the streets and more ongoing confusion about what supervisors and command staff expect in terms of enforcing the policy.

Discipline and Accountability

The way that accountability measures and discipline are implemented within CDP seems to be a source of great anxiety for almost all of the 78 officers who participated in the focus groups. Officers believe that CDP's administrators are perpetuating a culture of excessive and inconsistent discipline to make it appear that reform is taking place, as opposed to using discipline to teach and impose thoughtful accountability.

They believed this culture is linked to officers hesitating and questioning themselves in the field. This, they believe, can compromise safety and the willingness of officers to provide backup to their colleagues. There was also a demonstrable lack of clarity among officers about what is expected of them in CDP policy and what the Division's response will be if policies are violated.

Officers were unclear on the role that Blue Team is playing in disciplinary and/or accountability practices. Additionally, many expressed frustrations with how complaints submitted through the Office of Professional Standards (OPS) are processed, particularly with regard to the many years that it could take to clear or address a complaint. Further, officers reported that there is a lack of clarity regarding interpretations and enforcement of general police orders (GPOs) when they are issued. This makes it difficult for officers to know what the meaning behind the GPO is, and what they must do to be considered compliant with the new order.

Officers reported feeling a particular level of anxiety about, and feel especially vulnerable to supervisors being able to identify and punish them for, minor infractions documented in their own or others' body camera footage, or through duty sheets. For example, officers had the perception that higher level commanders, in a misguided effort to find something wrong in a use of force review, discipline officers for things like uniform violations, even though such violations are trivial in the context of a use of force analysis.

Supervision and Leadership

Ultimately, many of the officers feel supported by their sergeants and supervisors. However, they believe that most of the discipline is likely coming down from more senior leadership. Many expressed that, in order for real reform to take place, the way that the administration and leadership address discipline, accountability, and supervision issues needs to change. A consistent refrain from officers was that CDP leadership "did not have their back."

Experience with Consent Decree

While policies are shared via Divisional Notices, detailed instruction and expectations about working with new policies seem to be communicated primarily through informal means. Officers seem to rely on the "grapevine," rumor mill, or news media to interpret and to provide updates on the Consent Decree. Others reported that documentation is made available through means such as SharePoint and the Division's website but that it is left up to the officer to read it. Still others stated that some information related to the Consent Decree is communicated from the podium, but that, in general, "you learn about changes when you get in trouble for it."

Areas for Department Improvement

Focus group participants were given the opportunity to highlight areas for improving the Department. Responses highlighted the urgent need for resources, including renovation of infrastructure, improving the fleet of vehicles and the implementation of new technology, to intangible improvements, including measures to bolster morale, improve recruitment, and improve retention abilities.

One of the areas of greatest concern to all focus group participants was the perception that staffing is so low that the safety of officers and the public has been compromised. Indeed, officers indicated that they were concerned that the level of service that they were able to provide was falling short. It appears that at least the officer perception that the Division is continually shorthanded has served to further diminish morale and contribute to officer stress. Officers say that these circumstances – along with the perceived high rate of discipline, some of the lowest pay in the area, and training for new Academy recruits being held in Columbus at the state Academy rather than in Cleveland – have contributed to the difficulty recruiting and retaining new officers.

General Observations

The officer survey initiative affirmed that work remains on transforming the Division into an organization that works both for officers and the community that they serve. The current culture of CDP has tended to be perceived by officers as one of “leadership through discipline” rather than one of managing through leadership principles – and one of responding to crises rather than affirmatively managing public safety. The efforts to improve working conditions, enhance morale, and improve the job satisfaction of CDP officers requires strong and sustained leadership to drive and communicate changes with efficiency, consistency, and clarity.

The Monitoring Team recognized in its full report to the Court on the focus group results that reform is difficult work. Instituting new policies and procedures can be challenging and frustrating. Changing any organization’s culture can be profoundly challenging and slow, as culture is something that is both informal and the product of years and sometimes generations of experiences and leaders.

The MT recognizes these difficulties – and it believes that CDP’s current leadership is well-equipped to lead the charge on this front. That leadership has the ability to ease many of the growing pains that can accompany changes to the Division’s policies and practices, by looking for formal and informal ways to both support their officers and listen to their concerns. To date, however, a perceived lack of effective communication regarding CDP efforts to change its policies and processes, entrenched morale issues, and an adversarial relationship between line officers and the administration have tended to hamper the Division’s internal transformation. Without more sustained and focused efforts to communicate and receive feedback on new policies and expectations, officers may remain unsure of how to behave in the field.

To be sure, the Division has made some notable strides in some areas clearly important to officers. For example, with in-car computers installed in a vast majority of cars used by patrol officers, officers are seeing and appreciating instantaneous access to technology and better information. Even as officers say they have concerns about the use of force policy, officers appeared to appreciate the Division’s extensive use of force training in 2017 and welcome more and ongoing training and professional development.

In taking the pulse of police officers in the middle of large-scale reform of a large police organization, it is common to hear concerns, fears, and growing pains as they adapt to constant change. Even when reforms involve the implementation of best practices, new policies, paperwork, and accountability measures can feel overly burdensome early on. Thus, to a certain extent, the negativity, anxiety, and concern expressed by CDP officers in these focus groups at this stage in the process is to be expected.

However, the depth of the low morale, the prevalent belief that the Administration is “out to get” officers, and the level of confusion about performance expectations across a host of fronts is a source for significant concern. It suggests that CDP has a lot of work to do to train, communicate with, and support its officers as it continues to adopt policies, processes, and approaches consistent with best contemporary policing practices.

IV. COMMUNITY & PROBLEM-ORIENTED POLICING

Paragraph	Status of Compliance
27. Implementation of “comprehensive and integrated community and problem-oriented policing model” and consultation with CPC regarding the model.	PARTIAL COMPLIANCE
28. Ensuring that “mission statement reflects [the Division’s] commitment to community oriented policing” / “integrat[ing] community and problem-oriented policing principles into its management, policies and procedures, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.”	OPERATIONAL COMPLIANCE / PARTIAL COMPLIANCE
29. Ensuring “that officers are familiar with the geographic areas they serve,” “engage in problem identification,” and “work proactively . . . to address quality of life issues.”	EVALUATION DEFERRED
30. Initial and annual in-service community and problem-oriented policing training “adequate in quality, quantity, type, and scope” that addresses specifically-identified areas.	EVALUATION DEFERRED
31. Maintenance of “collaborative partnerships with a broad spectrum of community groups,” including CDP meetings with community organizations and District Policing Committees.	PARTIAL COMPLIANCE
32. CDP “meet[ing] with members of the community in each District on a monthly basis and “solic[itation of] participation from a broad cross-section of community members in each District” to “identify problems and other areas of concern . . . and discuss responses and solutions.”	PARTIAL COMPLIANCE
33. Development and implementation of “systems to monitor officer outreach to the community” that CDP “will use . . . to analyze . . . whether officers are partnering with a broad cross-section of community members to develop and implement cooperative strategies that build mutual respect and identify and solve problems.”	PARTIAL COMPLIANCE
34. “At least annually, CDP will present the results” of paragraph 33 analysis “broken out by District in a publicly-available community policing report” that describes problems, solutions, and obstacles. Report provided to Commission and posted on CDP website.	NON-COMPLIANCE

Background

In its 2014 investigation, the Department of Justice found that, although the Cleveland Division of Police has previously had components of what might be considered community policing, such as separate units that “perform limited community policing functions” and “supervisors instructing patrol officers to . . . walk around the community[.]” those discrete activities were “insufficient to address the disconnect that currently exists between CDP and some members of the community.”⁴⁷ Altogether, the DOJ found that CDP lacked the “organizational support for community policing activities” necessary to systematically implement community policing across all members of the Division.⁴⁸

⁴⁷ DOJ Findings Letter at 50.

⁴⁸ *Id.* at 51.

For that reason, the Consent Decree requires that the Division develop and implement a “comprehensive and integrated community and problem-oriented policing model” to “promote and strengthen partnerships with the community . . . and increase community confidence in the CDP.”⁴⁹ This section refers to policing according to this model as “community and problem-oriented policing,” or “CPOP.”

Although “community policing” often is associated with specific programs or strategies – such as the police participating in athletic leagues or mounting sporadic foot patrol – community policing is much more than scattered programs or isolated initiatives. Instead, it is a fundamental philosophy and vision for doing business that is embraced by the organization as a whole. As countless law enforcement professionals have recognized, community policing principles must inform decision-making at all levels of the agency, including decisions about hiring, deployment, and evaluation.⁵⁰ A Division-wide commitment to community policing will help promote trust and legitimacy, improve the quality of police-citizen encounters, and address persistent public safety issues in Cleveland communities.

The Decree defines “community and problem-oriented policing” as a “policing philosophy that promotes and relies on collaborative partnerships between law enforcement agencies and the individuals and organizations they serve to develop solutions to problems, increase trust in police, and improve the effectiveness of policing efforts.”⁵¹

Specifically, the Consent Decree mandates that CDP take a number of important steps related to community policing, including:

- “[E]nsur[ing] that its mission statement reflects its commitment to community oriented policing”⁵²;
- “[E]nsur[ing] that its officers are familiar with the geographic areas they serve . . . and engage in problem identification and solving activities with the community . . .”⁵³
- “[P]rovid[ing] initial and annual in-service community and problem-oriented policing training,” to include problem-solving with the community, as well as concepts such as leadership and communication; procedural justice; conflict resolution and verbal de-escalation; and cultural competency sensitivity training;⁵⁴
- “[M]aintain[ing] collaborative relationships with a broad spectrum of community groups”⁵⁵;
- “[C]ontinu[ing] to meet with members of the community in each District on a monthly basis” and “actively solicit[ing] participation from a broad cross-section of community members in each District”⁵⁶;
- “[D]eveloping and implementing systems to monitor officer outreach to the community”⁵⁷; and
- “Analyz[ing]” the quality and nature of its, and individual officers’, community policing efforts, “broken out by District, in a publicly available community policing report.”⁵⁸

⁴⁹ Dkt. 7-1 ¶ 27.

⁵⁰ See, e.g., Police Executive Research Forum (PERF), *Community Policing: Past, Present, and Future* at 4 (2004) (“Community Policing”); Presidential Task Force On 21st Century Policing, *Final Report* at 43 (2015).

⁵¹ Dkt. 7-1 ¶ 414

⁵² *Id.* ¶ 28.

⁵³ *Id.* ¶ 29.

⁵⁴ *Id.* ¶ 30.

⁵⁵ *Id.* ¶ 31.

⁵⁶ Dkt. 7-1 ¶ 32.

⁵⁷ *Id.* ¶ 33.

⁵⁸ *Id.* ¶¶ 33-34.

In creating a CPOP Plan, CDP must also ensure that related operational and structural changes needed to support community and problem-oriented policing – principally, staffing, recruitment, and hiring – receive appropriate consideration. Separately, the Decree has certain specific requirements for the Division’s staffing and recruitment policies and procedures. But it is worth describing here that, regardless of the Decree’s requirements, the success of the Division’s community and problem-oriented policing will be measured, in part, by its commitment to making larger structural changes concerning the Division’s day-to-day operations:

Staffing and Deployment. The Division must ensure that its staffing and deployment models facilitate long-term police-community familiarity and relationship-building.⁵⁹ Officers must have sufficient time in their schedules to engage with the community and address public safety problems. The Division must be able to maintain a level of service responding to calls, while making steps that officers are not constantly running around responding to calls.

Recruitment and Hiring. The Division will need to recruit and hire candidates who are service-minded and committed to working in partnership with residents to promote public safety. Officers should be representative of the community and should be familiar with the culture and tradition of the different neighborhoods that they serve. They should also possess strategic thinking and problem-solving skills, emotional maturity, interpersonal skills, and the ability to collaborate with a diverse cross-section of the community.

What Has Been Accomplished

Over the first two and a half years of the Decree’s implementation, the Division has worked closely with the Monitoring Team, the City, and numerous community organizations and stakeholders, including the CPC, to organize and execute a streamlined and coordinated community engagement process around community and problem-oriented policing.⁶⁰

1. Mission Statement

In the first year of implementation, the first major task was the development of an updated mission statement that “reflects [CDP’s] commitment to community oriented policing.”⁶¹ As part of that process, CDP partnered with the CPPA, FOP, and other police officer organizations to publicize an online questionnaire for officers to provide direct input. 133 officers submitted answers. One of the major points from officers, as well as from union leadership, was that the Division mission statement should be short, clear, and concise.

The CPC, likewise, engaged the community through a similar feedback process, yielding more than 120 responses, along with addressing the mission statement in monthly Commission meetings. Community respondents wanted the CDP mission statement to be clear, attainable, and measurable.

⁵⁹ Lisa M. Graziano, Dennis P. Rosenbaum and Amie M. Schuck, “Building Group Capacity For Problem Solving And Police-Community Partnerships Through Survey Feedback And Training: A Randomized Control Trial Within Chicago’s Community Policing Program,” 10 *J. Exp. Criminol.* 80 (2014)

⁶⁰ Third Semiannual Report at 20-24.

⁶¹ Dkt. 7-1 at ¶ 28.

Based on the external feedback as well as internal deliberations, the Parties and the Monitoring Team collaboratively drafted a new CDP Mission Statement that was approved by the Court in July 2016. The new Mission Statement provides new direction for the men and women of the Division and the Cleveland community:

The mission of the Cleveland Division of Police is to serve as guardians of the Cleveland community. Guided by the Constitution, we shall enforce the law, maintain order, and protect the lives, property, and rights of all people. We shall carry out our duties with a reverence for human life and in partnership with members of the community through professionalism, respect, integrity, dedication, and excellence in policing.

Officers were informed of the changes to the mission statement on May 17, 2017 – some time after Court approval – but the Division’s use of force training in late 2017 provided wide-ranging discussion of the Division’s stated mission and values.

2. Community Engagement (Summer 2017)

Following revision of the CDP mission statement, work began on the CDP’s plan to implement community and problem-oriented policing, or CPOP Plan. In this first step of the plan’s development, the Division, working with the Monitoring Team, solicited substantive community input with the goal of incorporating that input into a new CPOP plan. This collaborative engagement process consisted of at least 18 community meetings between March 2017 and June 2017, which included: two Cleveland-wide roundtables, a CPC meeting, each of the five District Policing Committee’s meetings, a Community Relations Board meeting, meetings with various community groups throughout the city, and partnerships with over 40 community organizations with strong ties to the diverse populations of Cleveland.

At each event, the Monitoring Team provided paper questionnaires for each community member present. The questionnaire could also be completed online, and without attending an event, throughout the engagement process. All in all, more than 1,000 Cleveland community members attended the community meetings, and the Monitoring Team received more than 600 online and paper responses. The City, Division, DOJ, and Monitoring Team were all tremendously pleased by the thoughtful participation of individuals from across Cleveland’s diverse communities.

The Monitoring Team analyzed and summarized the broad solicitation of community input in a report provided to the CDP in July 2017 entitled *Community and Problem-Oriented Policing: Summary of Community Feedback and Recommendations* (“Community Feedback Report”).⁶² As a general matter, although the Cleveland community is

⁶² The Community Feedback Report also incorporated the results of two other engagement mechanisms conducted in the period since the Consent Decree was first implemented, both of which were designed to assess the Cleveland community’s trust and confidence in the CDP and individual perceptions of public safety and policing. These are the Biennial Community Survey (“Biennial Community Survey” or “BCS”) from June 2016 and the Community Focus Groups (“Community Focus Groups” or “CFGs”) from June 2017. The quantitative Biennial Community Survey captured the Cleveland community’s perceptions about safety and policing. The findings reflect the content of telephone interviews conducted by Interviewing Service of America, an independent research firm, between May 4 and May 31, 2016, with a sample of 1,400 adults, 18 years of age or older, living in Cleveland. The qualitative Community Focus Groups research reflect the content of six focus groups consisting of 8 to 11 adults living in six Cleveland neighborhoods—Glenville, Central, Clark-Fulton, Cudell, Puritas-Longmead, and South Broadway.

critical of the CDP and its relationships and interactions with the public, participants also offered specific ways to improve the relationship – and expressed strong interest in being involved in the efforts to do so.

3. CPOP Plan Drafting

After receiving the Community Feedback Report in July 2017, the CDP was tasked with drafting a CPOP Plan that would reflect both (1) the principles and requirements set forth in the Consent Decree about community and problem-oriented policing, and (2) the community feedback summarized in the July 2017 report. The Division's Bureau of Community Policing Commander Johnny Johnson was designated the lead author to draft the Division's CPOP plan.

Progress in completing a CPOP Plan—one that specifically articulates how the Division will operationally transform itself in order to best support CPOP implementation—has been prolonged. Since the Community Feedback Report was provided to the CDP in July 2017, the CDP produced a series of draft plans to the Monitoring Team and DOJ. The City and CDP engaged a series of productive discussions throughout the Fall of 2017 and Winter of 2018 to refine the CPOP Plan aimed at ensuring that the Plan was concrete, detailed, and sufficiently comprehensive.

In the current reporting period, CDP has worked hard to revise the CPOP Plan and ensure that it lays out the precise steps by which the Division will operationalize the philosophy of community and problem-oriented policing. CDP worked to make sure that the CPOP Plan is developed in lock-step with other major Plans that the Division is concurrently developing that are directly related. Commander Johnson and others within the Division should be commended for their commitment to creating a high-quality plan for submission to the public for substantive input.

The CPOP Plan released to the public for community comment and input in late May 2018 envisions a fundamentally new approach by which the Division of Police will, essentially, conduct business. The Plan directly implicates how officers use their time and how the Division provides personnel with substantially greater opportunity to engage with Cleveland residents and solve community problems. By extension, the CPOP Plan is inextricably linked to the Division's Staffing and Recruitment and Hiring plans – which, while discussed in other sections of this report, were developed concurrently with the CPOP Plan and released simultaneously to the public for community input.

4. Community Engagement (Summer 2018)

Because the CPOP Plan addresses the way that the Cleveland Division of Police will collaborate with community members to co-produce public safety and strong community relations, it is vital to ensure that the Cleveland community has ample opportunities—at different times in the drafting process—to offer their feedback. For that reason, the current draft of the CPOP Plan is receiving community input in a process led by the Community Police Commission.

Although neither of these surveys was designed specifically around the CPOP engagement process, they provided important insight into community views of public safety and policing in Cleveland that the CDP should incorporate as it develops its CPOP Plan.

The Division and City have taken a lead in engaging with the District Policing Committees and other policing organizations – holding a series of community meetings in which District representatives brief participants on the substance of the CPOP Plan, engage in dialogue, answer questions, and ask participants to complete surveys on their reactions to the plans. Modeled in part after the successful, cross-stakeholder participation on the new use of force policies, the Monitoring Team has been significantly impressed by the quality of the Division’s direct engagement on their plans. It hopes that this current process will become a model for the Division’s community engagement and outreach as it contemplates other strategic initiatives in the years to come.

At the same time, the CPC is implementing a process to obtain comprehensive input from the many diverse communities in Cleveland. This is the second round of community involvement following the initial meetings and roundtables held in summer 2017, before the Plan was even initially drafted. Alongside traditional community meetings and focused town halls, the Commission aims to “meet people where they are” and leverage organizations with existing ties around Cleveland, such as community development corporations and local block clubs. The CPC is targeting outreach to specific populations, including youth (particularly those already involved in the criminal justice system), CDP officers, the homeless, and everyday residents from neighborhoods across Cleveland.

5. Training

There are two types of training related to community policing that the Division will be undertaking in the next reporting period. The first will focus narrowly on the CPOP Plan itself – the new expectations and requirements on how officers are staffed, use their time, and document their community engagement and problem-solving activities. Indeed, like any policy or plan, the CPOP Plan will only be as good as it is translated into actual practice. All CDP personnel – officers, supervisors, dispatchers – need to understand and receive training on the plan.

Currently, specific training on the mechanics of this Plan is slated to be conducted toward the end of 2018. It will likely take advantage of the Division’s recently implemented learning management system (“LMS”), an electronic learning platform.

The second area relates to broader professional skills, expertise, and knowledge. Community policing requires officers to possess a variety of skills, including interpersonal communication and problem-solving skills. Effective community policing also requires officers to become familiar with the history, culture, and traditions of their communities.

Under the Consent Decree, CDP officers must receive training on:

- Community engagement and problem-solving strategies;
- Leadership, ethics, and effective communication;
- Forming community partnerships;
- Procedural justice;
- Conflict resolution; and
- Cultural competency.⁶³

⁶³ Dkt. 7-1 at ¶ 30.

During the 2017 Community Engagement period, CDP sought to identify the specific skills and local knowledge that would best serve officers adapt to a new Division-wide model of community policing. Stakeholders specifically asked Cleveland residents to identify: (1) specific aspects of Cleveland history that should be incorporated into officer training; (2) the unique cultures, characteristics, and challenges of Cleveland's many communities; and (3) strategies for involving residents in developing and implementing training curricula.

CDP provided a draft syllabus of the eight-hour training curricula on general community policing skills ("Community Engagement and Problem-Solving Training") to the Parties and Monitoring Team in late April 2018. The Parties and Monitoring Team continued to work through additional drafts over the next several months. On July 13, 2018, the Monitoring Team recommended that the Court approve the Community Engagement and Problem-Solving Training. On July 16, 2018, the Division began in-service training, including the newly-approved training.

Where the Division Stands

The sections above report on how the Division and the City are doing in terms of the process that has been selected for coming into compliance with the Decree – where they are in devising the CPOP Plan necessary to satisfy various paragraphs of the Decree, training officers on both the foundational skills related to community policing generally and the CPOP Plan more specifically, and establishing ways for the Division to log and track outreach and problem-solving activity.

When it comes to community policing, there is no single measure or "magic pill" statistic that will indicate whether the CPOP Plan is being meaningfully implemented and whether that Plan, in turn, is meeting the requirements of the Decree. Instead, compliance will be indicated by looking at a host of indicators and factors. One is perhaps the most obvious: Is the Division really, in everyday reality, doing what it committed to do in the CPOP Plan? Beyond this, the Monitoring Team will need to evaluate the quality of various initiatives or programmatic elements, as well as what residents and community organizations report about their experiences over time

As with all of the Consent Decree, however, the proof ultimately is in the proverbial pudding – how the Division and its officers are performing day in and day out. Community partnerships are one key component of the Division's CPOP plan, and a measure that the Consent Decree requires the Monitoring Team to track and assess each year.⁶⁴ One would suspect that an organization engaging more with the community would have a greater number of established partnerships with community groups and organizations. As Table 1 shows, in each year since 2015, the Division has reported an increase in the number of formal community partnerships – including a substantial growth between 2016 and 2017 (the most-recent year that this report analyzes for the first time).

Similarly, the number of community partnerships with youth-focused organizations has more than doubled – from 14 reported in 2015 to 30 reported in 2017.

As the Monitoring Team has previously reported, it may well be the case that, especially for 2015 and 2016, the overall numbers – even of those districts that did report numbers – were higher.⁶⁵ It may also be that the Division is not doing much differently in terms of interacting with organizations but doing a better job at administratively

⁶⁴ Dkt. 7-1 ¶367(d)(1).

⁶⁵ Dkt. 142 at 16.

tracking those relationships. Even if this is the case, this is both necessary for gauging compliance and necessary for an organization in terms of understanding where it has relationships that can be beneficial as it provides services.

Table 1. CDP-Reported Community Partnerships

	2015	2016	2017
TOTAL	57	66	135
District 1	*	13	58
District 2	10	13	13
District 3	11	*	12
District 4	2	28	40
District 5	14	12	12

* Data not received.

Progress and Tasks that Remain

1. Finalizing and Submitting the CPOP Plan

By agreement of the Parties and Monitoring Team, and as reflected in the revised Third-Year Monitoring Plan,⁶⁶ the outreach and feedback period will last until August 2018 to ensure maximum participation across Cleveland's diverse communities. Following that period, the Division will evaluate the Plan in light of the feedback period and revise the Plan as necessary or appropriate. It is currently anticipated that the CPOP Plan will become effective as of January 1, 2019.

2. Organizational Changes

Unlike other Divisional policies that the Consent Decree process will address, CPOP is more than a set of rules for which officers need to be trained. CPOP is a philosophical change in policing that will affect core components that make up the Cleveland Division of Police. The Division, Parties, and Monitoring Team all understand that successful implementation of CPOP will require integration of "community and problem-oriented policing principles into its management, policies and procedures, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems."⁶⁷

For example, changes like transforming the Bureau of Community Policing to the Bureau of Community Relations will need to occur. Officers will need to receive specific instruction on new obligations and opportunities under the Plan – including using some portion of their time, identified in the current draft plan as 20 percent, to engage with the community rather than run from call to call. Other elements, if or once made a final part of the completed CPOP Plan, involving the use of civilians to address certain calls for service or handling alarm notifications differently will need to be actively implemented. As noted above, mechanisms for officers to report their interactions and problem-solving activities will need to be finalized, implemented, and used successfully across time.

⁶⁶ Dkt. 203-1 at 2.

⁶⁷ Dkt. 7-1 at ¶ 28.

3. CPOP Training

CDP will need to conduct training on the new expectations of the CPOP Plan. It will also need to continue to address the foundational skills related to community policing more generally that the Consent Decree requires, as indicated above. As with other areas of officer training that the Decree requires, the Monitoring Team suggests that the Division and City plan out precisely what mandated training will occur when from now going forward – to ensure that all can be completed as efficiently and effectively as possible.

4. Data Collection and Tracking

Under the current draft of the CPOP Plan, officers will be required to enter any CPOP activity into the Division's CAD system, which is undergoing needed upgrades. Such data will include data on collaborative problem-solving, community outreach, bike and foot patrol frequency, organized community events, and unplanned engagements with the community. Officers will be expected and required to enter such data regularly into CAD. The Division's Data Collection and Analysis Coordinator will ensure the proper tracking and monitoring of CDP's activities.

The precise implementation of these ideas is still being worked through. The CPOP Plan is, after all, a plan. The Monitoring Team looks forward to assisting the City and CDP to work through any technical data issues in order to ensure that data can be collected, tracked, analyzed, and presented for review to the Monitoring Team and the broader public.

5. Implementation, Compliance Reviews, & Audits

As with many of the major Consent Decree areas discussed in this report, the major tasks remaining with respect to community policing entail the transformation of a finalized CPOP Plan from paper into practice. This means that the Division must meaningfully and comprehensively implement the Plan to ensure that the core requirements of the Consent Decree are met – not partially, periodically, or in isolation but comprehensively, across time, and across CDP and its officers' daily work and interactions with the Cleveland community.

V. BIAS-FREE POLICING

Paragraph	Status of Compliance
35. Delivery of “police services with the goal of ensuring that they are equitable, respectful, and free of unlawful bias,” among other things.	PARTIAL COMPLIANCE
36. “CDP will integrate bias-free policing principles into its management, policies and procedures, job descriptions, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.”	PARTIAL COMPLIANCE
37. CDP will ensure that it “administer[s] all activities without discrimination” on basis of various protected classes	PARTIAL COMPLIANCE
38. “CDP will develop a bias-free policing policy” incorporating CPC recommendations “that provides clear guidance to officers”	PARTIAL COMPLIANCE
39–40. Bias-free policing and procedural justice training “adequate in quality, quantity, scope, and type” covering specific areas	PARTIAL COMPLIANCE
41. Supervisor training on bias-free policing and procedural justice issues covering specific areas	EVALUATION DEFERRED
42. Annual in-service training on bias-free policing “adequate in quality, quantity, type, and scope”	EVALUATION DEFERRED
43. Analysis of paragraph 265 data (“including use of force, arrests, motor vehicle and investigatory stops, and misconduct complaints alleging discrimination”)	EVALUATION DEFERRED
44. Consideration of “bias-free policing and equal protection” principles in hiring, unit assignment, promotion, and performance assessments.	PARTIAL COMPLIANCE

Background

The Consent Decree requires that CDP “deliver police services with the goal of ensuring that they are equitable, respectful, and free of unlawful bias, in a manner that promotes broad community engagement and confidence in CDP.”⁶⁸

In the course of its 2014 investigation that led to the Consent Decree, the DOJ found that “[m]embers of racial, ethnic, and language minorities expressed public outrage at the way they perceive that their communities are treated by CDP.”⁶⁹ Further, “many African-Americans reported that they believe CDP officers are verbally and physically aggressive toward them because of their race.”⁷⁰ The first Consent Decree-required biennial survey of Cleveland community members in 2016 found “significant racial disparities with respect to approval of and views about CPD.”⁷¹

⁶⁸ Dkt. 7-1 ¶ 35.

⁶⁹ DOJ Findings Letter at 48.

⁷⁰ *Id.* at 49.

⁷¹ Second Semiannual Report at 23.

It may well be the case that no officer within the Division would describe themselves or their actions as “biased” or discriminatory. Indeed, as articulated in the First Semiannual Report, the Monitoring Team “assumes that, if asked, any police officer currently employed with CPD would say that they want to treat everyone equally.”⁷²

Nevertheless, research on social cognition suggests that everyone—even the most well-intentioned individuals who are expressly committed to treating people with equal dignity and respect—may be vulnerable to automatic assumptions that involuntarily affect decision-making. “Over time, the brain learns to sort people into certain groups (e.g. male or female, young or old) based on combinations of characteristics as well. The problem is when the brain automatically associates certain characteristics with specific groups that are not accurate for all individuals in the group”⁷³ Research has identified the presence and effects of implicit bias across numerous professions – including lawyers, judges, physicians, teachers, and social service providers.⁷⁴

Consequently, bias-free policing principles must be operationally integrated into CDP’s “management, policies and procedures, job descriptions, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.”⁷⁵ The goal is “to ensure policing and law enforcement outcomes that are as free from the effects of all bias to the greatest extent possible.”⁷⁶

What Has Been Accomplished to Date

1. Initial Community Engagement

Well before drafting began on the Division’s required bias-free policing policy, the Community Police Commission spearheaded a substantial effort to involve the Cleveland community in the drafting process. Between December 2015 and March 2016, the CPC, led by its Bias-Free Policing Work Group, convened twelve town hall meetings across the city to solicit community feedback on bias-free policing. These meetings were designed to gather the concerns and lived experience of Cleveland’s communities of color, faith, LGBTQ, youth, and homeless. The CPC gathered a significant volume of community feedback throughout the process.

Not long after completing the town halls, the Commission completed its Bias-Free Policing Recommendations Report in May 2016 (“May 2016 Recommendations”). The report contained numerous recommendations on CDP’s interactions with citizens of varying backgrounds and demographics, organizational culture, recruitment, training, and reporting.

⁷² First Semiannual Report at 29.

⁷³ *Id.* (quoting National Center for State Courts, “Helping Courts Address Implicit Bias: Resources for Education” (2012), http://www.ncsc.org/~media/Files/PDF/Topics/Gender%20and%20Racial%20Fairness/IB_report_033012.ashx).

⁷⁴ *See, e.g.*, “Christine Jolls and Cass R. Sunstein,” “The Law of Implicit Bias,” 94 Cal. L. Rev. 969, 975 n.31 (2006) (“The legal literature on implicit bias is by now enormous”); Theodore Eisenberg and Sheri Lynn Johnson, “Implicit Racial Attitudes of Death Penalty Lawyers,” 53 DePaul L. Rev. 1539, 1553 (2004) (finding implicit bias among defense attorneys); Alexander R. Green, et al, “Implicit Bias Among Physicians and its Prediction of Thrombolysis Decisions for Black and White Patients,” 22 J. of Gen. Internal Med. 1231, 1237 (2007) (“[P]hysicians, like others, may harbor unconscious preferences and stereotypes that influence clinical decisions.”).

⁷⁵ *Id.* ¶¶ 35-36.

⁷⁶ First Semiannual Report at 30.

2. Drafting the Bias-Free Policing Policy

After receiving the Commission's May 2016 Recommendations, CDP began to draft a new General Police Order to cover bias-free policing principles. Informed by the CPC's recommendations, the first draft was sent to the Monitoring Team and the Department of Justice on June 3, 2016. The Parties and the Monitoring Team then began revising the draft, negotiating various definitions and provisions in the General Police Order.

3. Subsequent Community Engagement

In August 2017, having made progress on the text of the bias-free policing policy, CDP sent the latest draft of the policy (the "August 2017 Draft Policy") to the CPC. The CPC held two additional town hall meetings in September for community members to review and discuss the August 2017 Draft Policy. To ensure that CPC feedback was representative of the broader Cleveland community, one meeting was held on the city's east side, while the other was held on the west side. After completing the two additional town hall meetings, the CPC sent its final set of recommendations for the bias-free policing policy to City representatives ("October 2017 Recommendations").

A variety of community groups—including the American Civil Liberties Union (ACLU) of Ohio and Showing Up for Racial Justice (SURJ) Northeast Ohio—voiced their support of the October 2017 Recommendations, in some instances providing additional feedback. After receiving the October 2017 Recommendations, the Division again considered revisions to the bias-free policing policy.

4. Approval of the Bias-Free Policing Policy

The draft policy was developed with the assistance and input of the Department of Justice, Monitoring Team, and the CPC. The Monitoring Team and DOJ suggested revisions for the draft policy based on best practices and the policies of similarly-situated jurisdictions throughout the country, and the CPC's recommendations were informed by the lived experience of community members throughout Cleveland.

The Court approved CDP's Bias-Free Policing Policy on March 23, 2018. In its motion to the Court, the Monitoring Team highlighted that the Policy set "critical guidelines for the delivery of police services within the Cleveland Division of Police[.]" with clear prohibitions against "harassing, intimidating or derogatory language" and the determination of "reasonable suspicion or probable cause based upon a demographic category [unless part of an actual and credible suspect description][.]"⁷⁷

Further, the Policy included protocols for reporting of bias-based policing, which is critical to the Division's ability to appropriately track, manage, intervene, and ultimately prevent bias-based policing. Under the Policy, CDP members who "engage in, ignore, or condone bias based policing" or who "fail to report observed or alleged bias based policing" shall be subject to discipline.⁷⁸

⁷⁷ Dkt. 186 at 5.

⁷⁸ *Id.* at 6.

5. 2018 Bias-Free Training

Successful implementation of bias-free policing principles within the Division of Police requires not only a clear policy that prohibits bias-based policing, but training that provides officers with tools and strategies to manage implicit biases and self-correct in moments of potentially biased behavior.

Among other requirements, the Consent Decree mandates that CDP's bias-free training include:

- “constitutional and other legal requirements relate to equal protection and unlawful discrimination[.]”
- “strategies, such as problem-oriented policing, procedural justice, and recognizing implicit bias, to avoid conduct that may lead to biased policing or the perception of biased policing;”
- “historical and cultural systems that perpetuate racial and ethnic profiling;”
- “identification of racial or ethnic profiling practices, and police practices that have a disparate impact on certain demographic categories;” and
- “instruction in the data collection protocols required by this Agreement[.]”⁷⁹

In the current reporting period, CDP began collaborating with the Center for Policing Equity (“CPE”), a research center that has developed and conducted evidence-based procedural justice training in collaboration with other police departments across the country.

CPE's curriculum is based on the concept of cognitive “traps” in which people can get stuck, without knowing or intending to do so. These “traps,” rooted in implicit or unconscious biases, can cause people to behave in prejudicial or discriminatory ways. After taking the training, officers learn how to recognize the traps, defuse the traps with a set of mental tools to slow situations down, and understand how implicit bias interferes with procedurally just policing.

The Monitoring Team and DOJ were closely involved in the design of CDP's 2018 Bias-Free Training and provided extensive notes to CDP's Training Section on what the curriculum should focus on, which modules are the most impactful, and how the training fit within the requirements of the Consent Decree. Chicago Police Department trainers with significant experience designing and conducting CPE's bias-free curriculum visited the Division in June 2018 to provide technical assistance to CDP trainers.

After working through numerous drafts with the DOJ and Monitoring Team, the Division and City prepared a final draft of the bias-free training curriculum. On July 13, 2018, the Monitoring Team submitted the curriculum to the Court and recommended that the Court approve the 12-hour curriculum in its entirety. On July 16, 2018, the CDP launched its in-service training, including the bias-free training.

Where the Division Stands

One important data point to measure a department's practice of bias-free policing is the number of civilian complaints regarding police services relating to discrimination. At the time of the Monitoring Team's 2016 Outcome Measures Assessment, submitted to the Court in June 2017, OPS was unable to disaggregate total complaints received and account for complaints specifically related to alleged discriminatory police misconduct.

⁷⁹ Dkt. 7-1 at ¶ 40.

Similarly, for the calendar year 2017, OPS was not able to reliably classify complaints as relating to issues of bias or discrimination. New OPS leadership is taking seriously the need to establish systems, processes, and mechanisms of accountability to ensure that complaints are classified within OPS databases in a fair, reliable, and timely manner.

The results from the Monitoring Team's 2018 Community Survey, attached to this Report as Appendix A, also help speak to the Division's practice of bias-free policing. 79% of white respondents and 69% of Latinos rated the CDP as doing a good job, yet less than half (49%) of African Americans rated the CDP positively. Further, most respondents believed that the Division did a poor job of treating people of all races and groups equally. African Americans are more likely to report being stopped by CDP officers in a car, or being arrested, than white or Latino adults. Moreover, African Americans who have been stopped by the police are less likely than other races to believe that they were treated respectfully or that they were not detained longer than necessary. They also are more likely to report being the victims of excessive force and being treated differently because of their race.

Progress and Tasks that Remain

1. Continued Initial Bias-Free Policing Training

The bias-free training required by the Consent Decree addresses a host of topics. The 12-hour 2018 Bias-Free Policing Training, which started on July 16, 2018, is a good start. Still, given the substantial requirements under the Decree, the Monitoring Team anticipates that more training will be required in 2019. Specifically, before the Division can reach substantial and effective compliance, it must have provided training "adequate in quality, quantity, scope, and type"⁸⁰ that gives, first, all officers instruction on:

- Constitutional and other legal requirements related to equal protection and unlawful discrimination, including the requirements of this Agreement;
- Strategies, such as problem-oriented policing, procedural justice, and recognizing implicit bias, to avoid conduct that may lead to biased policing or the perception of biased policing;
- Historical and cultural systems that perpetuate racial and ethnic profiling;
- Identification of racial or ethnic profiling practices, and police practices that have a disparate impact on certain demographic categories;
- Self-evaluation strategies to identify racial or ethnic profiling;
- District-level cultural competency training regarding the histories and culture of local immigrant and ethnic communities;
- Police and community perspectives related to bias-free policing;
- The protection of civil rights as a central part of the police mission and as essential to effective policing;
- Instruction in the data collection protocols required by this Agreement; and
- Methods, strategies, and techniques to reduce misunderstanding, conflict, and complaints due to perceived bias or discrimination.⁸¹

Additionally, the Division must provide instruction to supervisors on:

⁸⁰ Dkt. 7-1 at ¶ 39.

⁸¹ *Id.* at ¶ 40.

- How to identify biased police practices when reviewing investigatory stop, arrest, and use of force data;
- How to respond to a complaint of biased police practices, including conducting a preliminary investigation of the complaint in order to preserve key evidence and potential witnesses;
- How to evaluate complaints of improper pedestrian stops for potential biased police practices; and
- Engaging the community and developing positive relationships with diverse community groups.⁸²

Upon completion of the above training, the Division must provide annual training, both under the terms of the Consent Decree and the terms of the Court-approved Divisional policy on bias-free policing.

This report elsewhere details the challenges that the Division have cited in complying with the various training requirements of the Consent Decree. To be sure, its efforts on developing and conducting an eight-hour introductory course have been commendable. Nevertheless, the rate of training development and completion will need to speed up if compliance with the bias-free policing provisions of the Consent Decree is to be attained in the near future. It may be helpful for the City and CPD to establish a clear and concrete plan, with the Consent Decree a few months past its halfway point, for completing all the training requirements over the next few years.

2. Integration of Bias-Free Policing Principles

The Decree requires that the Division “integrate bias-free policing principles into its management, policies and procedures, job descriptions, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.”⁸³ Although the Division has made good strides in many of these areas, progress remains in others. With work outstanding on personnel evaluations, management processes, resource deployment, and accountability systems in particular, the process of integrating bias-free policing principles in these areas remains ongoing.

3. The Division’s Collection and Use of Data

While the Consent Decree is ongoing, the Monitoring Team has the duty to assess the Division’s data to ensure that the Consent Decree’s requirements are being carried out in practice. Ultimately, bias-free policing requires not just a well-written policy and evidence-based training but also a robust data infrastructure and command staff’s use of data as a management tool. “To help ensure that police services are delivered in a manner free from bias,” the Consent Decree requires the Division to conduct annual assessments of all police activities, “including use of force, arrests, motor vehicle and investigatory stops, and misconduct complaints alleging discrimination, to determine whether CDP’s activities are applied or administered in a way that discriminates against individuals on the basis of race, ethnicity, gender, disability, sexual orientation, or gender identity.”⁸⁴

To date, the Division has produced one report, primarily covering 2017, that addresses data on use of force. Although that report provided aggregate, overall statistics on the race of use of force subjects, it did not yet analyze the extent to which overall force or particular types of force may have been disproportionate by race. Although the Monitoring Team appreciates that the use of force report in 2017 is an initial effort and constitutes a substantial

⁸² *Id.* at ¶ 41.

⁸³ Dkt. 7-1 at ¶ 36.

⁸⁴ *Id.* at ¶¶ 43, 265.

stride in the right direction in reporting and analyzing data on officer performance, the level, scope, and type of analyses conducted of the Division's performance must grow.

Other areas have received little analysis to date or are still awaiting analysis. The topic of arrests was briefly addressed on one page of CDP's 2017 use of force report. Aggregate statistics were summarized but no meaningful analysis driving at the issue of biased or discriminatory policing was conducted. The topics of motor vehicle and investigatory stops and misconduct complaints alleging discrimination have not yet been the subject of an annual assessment.

The Monitoring Team also observes here that the type of assessment that the Consent Decree requires in each of these areas implicates both a quantitative component (analyzing the overall numbers and numeric trends) and a qualitative component (reviewing and reaching conclusions about the nature of police performance and interactions). In no area, including use of force, has the Division yet reported the results of a qualitative analysis.

The quality of the Division's assessments will depend on the Division's progress in improving its data infrastructure and in its personnel management based on data. Strong protocols for data collection, analysis, and reporting are necessary to monitor and assess patterns of bias-based policing. As discussed elsewhere in this report CDP has made some progress in developing its data infrastructure, but not the progress required to comply with the Decree's data requirements.

4. The City's Ability to Address Civilian Complaints of Biased Policing

If a Cleveland resident believes that a CDP officer has treated her in a way that is biased, discriminatory, or unfair, the City's Charter requires that the matter be handled by OPS. Unless and until OPS routinely completes fair, thorough, objective, and timely investigations of civilian complaints, CDP cannot comply with, among other things, paragraphs 36, 43, and 44 – which require evaluation of bias-related violations and officer performance histories with respect to bias-free policing on an individual and systemic level. At the same time, the Monitoring Team cannot certify that the bias-free policing policy is actually effective in practice – such that CDP is in compliance with paragraph 38 of the Consent Decree – unless and until it can be verified that, for instance, “[m]embers who engage in, ignore or condone bias-based policing shall be the subject to discipline.”⁸⁵ So long as OPS's challenges prevent CDP from holding officers accountable for verified instances of problematic performance in this area, the bias-free policing policy cannot be certified as being effective in practice. Ultimately, CDP cannot be in compliance with the Consent Decree until OPS is able to conduct competent investigations into allegations of violations of the Division's bias-free policing policies.

⁸⁵ Dkt. 186-1 at 4.

VI. USE OF FORCE**A. Officer Use of Force Principles & Policy**

Paragraph	Status of Compliance
45. “CDP will revise, develop, and implement force policies, training, supervision, and accountability systems with the goal of ensuring that force” complies with the Constitution, federal law, and the Consent Decree “and that any use of unreasonable force is promptly identified and responded to appropriately.”	PARTIAL COMPLIANCE
46. “The City will implement the terms of this Agreement with the goal of ensuring that use of force by CDP officers . . . will comply” with at least twelve major, listed principles.	PARTIAL COMPLIANCE
47. Division “will ensure that the [use of force] incident is accurately and properly reported, documented, and investigated.”	PARTIAL COMPLIANCE
48. “CDP will track and analyze officers’ uses of force to hold officers accountable for unreasonable uses of force; to guide training and policy; and to identify poor tactics and emerging trends.”	PARTIAL COMPLIANCE
49. Development of use of force policies “that comply with applicable law[,] . . . are adequate to achieve the goals described in paragraph 45,” and “specify that unreasonable use of force will subject officers to the disciplinary process, possible criminal prosecution, and/or possible civil liability.”	OPERATIONAL COMPLIANCE
50. “CDP’s policies will address the use and deployment of its authorized force techniques, technologies, and weapons.”	OPERATIONAL COMPLIANCE
51. Weapon-specific policies “will include training and certification requirements that each officer must meet before being permitted to carry and use the authorized weapon.”	OPERATIONAL COMPLIANCE
52. “No officer will carry any weapon that is not authorized or approved by CDP.”	OPERATIONAL COMPLIANCE
53. “Prior to the use of any approved weapon, the officer, when possible and appropriate, will communicate to the subject and other officers that the use of weapon is imminent, and allow the subject an opportunity to comply.”	OPERATIONAL COMPLIANCE
54–83 “CDP will implement policies” for firearms, ECWs (Tasers), and OC (pepper) spray that comply with a host of specific, expressly listed provisions.	OPERATIONAL COMPLIANCE
84. CDP “will provide all current officers use of force training that is adequate in quality, quantity, scope, and type and that includes” a number of specific, expressly-listed elements.	OPERATIONAL COMPLIANCE
85. CDP “will provide the use of force training described in paragraph 84 to all new officers.”	OPERATIONAL COMPLIANCE
86. “CDP will provide all officers with annual use of force in-service training that is adequate in quality, quantity, type, and scope.”	OPERATIONAL COMPLIANCE
87. “CDP will develop and implement a single, uniform reporting system pursuant to a Use of Force reporting policy” that complies with the force Level categorization set forth in the paragraph.	OPERATIONAL COMPLIANCE

88. Requiring “[a]ll officers using or observing force” to complete a Use of Force Report including a number of specific features and avoiding “conclusory statements, ‘boilerplate’, or ‘canned’ language.”	OPERATIONAL COMPLIANCE
89. “Officers will be subject to the disciplinary process for material omissions or misrepresentations in their Use of Force Reports.”	OPERATIONAL COMPLIANCE
90. “Officers who use or observe force and fail to report it will be subject to the disciplinary process, up to and including termination, regardless of whether the force was reasonable.”	OPERATIONAL COMPLIANCE
91. Requirement to “notify . . . supervisors . . . as soon as practical following any use of force” and if becoming aware of “an allegation of unreasonable or unreported force by another officer.”	OPERATIONAL COMPLIANCE
92. “Use of Force Reports will be maintained centrally.”	PARTIAL COMPLIANCE

Background

The use of force, including the manner in which officers are trained and how uses of force are documented and investigated, is “at the core of the Consent Decree.”⁸⁶ Police must have the option to use force. “Policing can be dangerous. At times, officers must use force, including deadly force, to protect lives, including their own.”⁸⁷

Nevertheless, “the use of force by police should be guided by a respect for human life and human dignity, the need to protect public safety, and the duty to protect individuals from unreasonable seizures under the Fourth Amendment.”⁸⁸ Therefore, as the Decree is implemented, the Cleveland Division of Police must:

[R]evis[e], develop, and implement force policies, training, supervision, and accountability systems with the goal of ensuring that force is used in accordance with the Constitution and laws of the United States and the requirements of the Agreement and that any use of unreasonable force is promptly identified and responded to appropriately.⁸⁹

The efficacy and street-level impact of the Division’s new use of force policies ultimately depend on officers adhering to their requirements. Consequently, officers must be properly trained to understand the practical significance of the concepts of necessity, proportionality and de-escalation, and be prepared to put those concepts into practice outside the classroom.

The Consent Decree requires that CDP’s use of force training be “adequate in quality, quantity, scope, and type” and include instruction, among other things, on:

- Proper use of force decision-making;
- Use of force reporting requirements;
- The Fourth Amendment and related law;

⁸⁶ First Semiannual Report at 31.

⁸⁷ DOJ Findings Letter at 1.

⁸⁸ *Id.*

⁸⁹ Dkt. 7-1 at ¶ 45.

- De-escalation techniques, both verbal and tactical, that empower officers to make arrests without using force and instruction that disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, using cover, calling in specialized units, or delaying arrest may be the appropriate response to a situation, even when the use of force would be legally justified;
- Role-playing scenarios and interactive exercises that illustrate proper use of force decision-making, including training on the importance of peer intervention;
- The proper deployment and use of all intermediate weapons or technologies;
- The particular risks and considerations relating to using a Taser; and
- Firearms training⁹⁰

High-quality training has been a common thread among community feedback and input on use of force issues. In its March 31, 2016 recommendations that summarized community input, the Community Police Commission specifically requested “updated, state-of-the art training that focuses on de-escalation, decision-making, and accountability[.]”⁹¹ Similarly, throughout the Stakeholders’ Collaborative Engagement period that started in September 2016, use of force training was a priority for many Cleveland residents. Even though the meetings and roundtables were designed to gather input on force policies, many people appeared to be at least as interested in force training. “Over half of the groups offered suggestions on how training should be conducted. Several reiterated the importance of scenario-based training and role-playing . . . instead of classic classroom instruction.”⁹²

In addition to policy and training, “[p]roper use of force reporting and review are essential parts of any police department’s efforts to ensure that its officers are using force in a manner that complies with the Constitution and case law. Cleveland police officers do not adequately document force incidents, rendering it quite often impossible to tell how much force they have used and why.”⁹³

Before the Consent Decree went into effect, “[f]orce incidents often [were] not properly reported, documented, investigated, or addressed with corrective measures.”⁹⁴ In a January 2011 incident, video footage emerged showing multiple officers using excessive force—including kicks to the head—against an unarmed man after he surrendered to officers and was handcuffed and lying prone on the ground. None of the officers reported either using or witnessing a use of force (and consequently, no officers were appropriately disciplined).⁹⁵

Thus, just as officers must have clear expectations set forth in policy on when to use and not use force, the Division must have clear processes and procedures for the administrative investigation and review of force incidents.⁹⁶ The accurate and timely reporting of force, including the facts and circumstances that led to the use of force, the actions of the subject to whom force was applied, and the level of force deployed, will assist CDP to ensure that

⁹⁰ *Id.* at ¶ 84. In addition to initial training on use of force covering the topics listed above, the Division must provide its officers with “annual use of force in-service training that is adequate in quality, quantity, type, and scope” going forward.⁹⁰ CDP supervisors must also receive specialized training, as discussed elsewhere in this report, relating both to force and broader supervisory skills.

⁹¹ Cleveland Community Police Commission, “Use of Force: Summary Report & Initial Policy Recommendations” at 7-8 (Mar. 31, 2016), available at https://docs.wixstatic.com/ugd/8a5c22_e948c09e439640e5b28dd937a47f3b51.pdf (last visited Apr. 16, 2018).

⁹² Second Semiannual Report at 30.

⁹³ DOJ Findings Letter at 29.

⁹⁴ *Id.* at 5.

⁹⁵ *Id.* at 7.

⁹⁶ First Semiannual Report at 36-37; Dkt. 97 at 35-36.

use of force decisions are appropriate and that the type of force used comports with the Constitution, state and federal law, and Division policy.

The Decree lays out specific force reporting requirements, including the establishment of a new system of classifying force. Although CDP officers must understand the classification structure in order to effectuate proper reporting and post-incident performance, they do not necessarily need to know anything about the scheme in order to make appropriate decisions about force in the field. The stratification of force into three “levels” triggers a specific administrative response, investigation, and review of a force incident after it occurs.⁹⁷

- *Level One* force is the lowest level of force. It is force that is “reasonably expected to cause only transient pain and/or disorientation during its application as a means of gaining compliance . . . but that is not reasonably expected to cause injury, does not result in actual injury, and does not result in a complaint of injury.”⁹⁸
- *Level Two* force is force that “causes an injury, could reasonably be expected to cause an injury, or results in a complaint of injury.”⁹⁹
- *Level Three* force is force that constitutes “lethal” or “deadly” force. It also includes any level of force which results in death or serious injury, hospital admission, or lack of consciousness. Specific types of Level Three force include neck restraints, canine bites, and more than three applications of an Electronic Control Weapon (i.e. Taser).¹⁰⁰

Under the Decree, all officers using or observing force have an affirmative duty to report such force in writing by the completion of their tour of duty.¹⁰¹ This provision underscores the importance of a sufficiently detailed and descriptive narrative that highlights the facts and circumstances which led to the initial police/citizen interaction, as well as those actions which led to the decisions to use force, the level of resistance encountered, and a complete and accurate description of each and every type of force used.¹⁰² The Decree also requires that the Division develop and implement a “single, uniform reporting system[.]”¹⁰³

The proper reporting of force is a clear priority for Cleveland residents as well. The Monitoring Team’s prior reports have described that “[m]uch of the public feedback regarding the policies on when officers may and may not use force understandably also began to address issues relating to how the Division of Police would respond to, investigate, and review force incidents – affirming that [a]n important goal of the Consent Decree is to ensure that all uses of force administered by CDP officers are, after being promptly and uniformly reported, meaningfully examined and reviewed.”¹⁰⁴

⁹⁷ See Dkt. 7-1 at ¶ 87.

⁹⁸ Dkt. 7-1 at ¶ 87(a).

⁹⁹ *Id.* at ¶ 87(b).

¹⁰⁰ *Id.* at ¶ 87(c).

¹⁰¹ Dkt. 7-1 at ¶ 87(b).

¹⁰² *Id.* at ¶ 88.

¹⁰³ *Id.* at ¶ 87.

¹⁰⁴ Dkt. 97 at 35-36.

What Has Been Accomplished to Date

A. Use of Force Policy

1. Community Engagement on Use of Force (Spring 2016)

Revision of the Division's use of force policies started with a substantial effort to gain community feedback on the core principles that ought to be reflected in the Division's policies. The CPC released and reviewed residents' responses to a "Use of Force Questionnaire," hosted a full CPC meeting and town hall, and conducted focus groups with specific stakeholders, including officers, public housing residents, and faith leaders. In doing so, the CPC gathered "the concerns, experiences, values, and issues" of community members "related to the use of force policy . . . from across Cleveland's diverse communities into a single, written document[.]"¹⁰⁵

The Commission provided recommendations to the City and Division that stemmed from and incorporated the community's input.¹⁰⁶ Those recommendations focused on a range of topics including emphasizing "life preservation" in policy and ensuring that the force policies are "aligned with community values and expectations."¹⁰⁷

Meanwhile, the City's Community Relations Board also fielded an informal feedback survey on use of force issues and collected responses from a total of 1,092 residents. Although the survey's findings, like the input received from the CPC, were not statistically significant (and not necessarily representative of all Cleveland residents), about a third of survey respondents said the police were fair when using force, and about half of respondents believed that CDP disproportionately uses force against certain groups of people.¹⁰⁸

CDP also solicited input from officers on the Division's existing force policies. CDP partnered with leadership of CPPA, FOP, and other police officer organizations and conducted an "online officer survey, focus group discussions, anonymous written submissions, and a series of meetings with union and officer organization leadership."¹⁰⁹ The CDP found, among other things, that officers did not believe that force types and categories were sufficiently clear in CDP's current force policies and that they wanted clearer definitions of key terms used in the force policy.¹¹⁰

2. Use of Force Policy Revision Process

After receiving input from the CPC, the City, and from its own officers, the Division began drafting revised policies on how officers may and may not use force. Beginning in March 2016, the Parties met regularly to discuss issues and exchange drafts of the policies. This policy drafting process continued through September 2016, when the Parties and Monitoring Team agreed that the drafts of four policies—a general policy, a definitions policy, a policy

¹⁰⁵ Dkt. 43-1 at 8.

¹⁰⁶ See Cleveland Community Police Commission, "Use of Force: Summary Report & Initial Policy Recommendations" (Mar. 31, 2016).

¹⁰⁷ Cleveland Community Police Commission, "Use of Force: Summary Report & Initial Policy Recommendations" at 7-8 (Mar. 31, 2016), available at https://docs.wixstatic.com/ugd/8a5c22_e948c09e439640e5b28dd937a47f3b51.pdf (last visited Apr. 16, 2018).

¹⁰⁸ See Second Semiannual Report at 26-27.

¹⁰⁹ First Semiannual Report at 33.

¹¹⁰ *Id.*

addressing intermediate weapons, and a policy addressing the duty to de-escalate—were sufficiently far along to bring to the community for feedback.¹¹¹

3. Stakeholders' Collaborative Engagement (Fall 2016)

Between September 8 and November 4, 2016, the Parties, Monitoring Team, and CPC collaborated to solicit public input on the proposed new Use of Force policies.

During this time, the Monitoring Team made draft policies available on its website, the CPC's website, and the City's website, along with a summary of key policy changes. Organizations and interested members of the public were invited to complete an online feedback form on the Monitoring Team's website that was designed to get their views on whether the new policies sufficiently address their concerns.

Partnering with the Parties, CDP, and the CPC, the Monitoring Team also coordinated two community roundtables in September 2016 on Cleveland's east and west sides to engage directly community residents on the proposed force policy. About 200 residents and community leaders attended the two roundtables, including clergy members, officers, public housing residents and staff, and residents from the Hispanic Alliance, the Council on American Islamic Relations, and the LGBT Center of Greater Cleveland.¹¹²

The roundtable events included a 20-minute overview presentation by the Monitor of the proposed use of force policies; a question-and-answer session; and an opportunity for small group breakout discussions facilitated by representatives from the City, CDP, DOJ, and Monitoring Team.

Most community discussions at this time revolved around smaller revisions to the draft force policies, and generally indicated that the policies were an important step in the right direction.¹¹³ Some community members suggested that officers need to communicate with suspects during an encounter before using force and during de-escalation, and that officers need to learn how to de-escalate themselves when they arrive on a scene. Several participants suggested specific techniques that officers could use to de-escalate situations.¹¹⁴

4. Court Approval of New Use of Force Policies

The Court approved the new use of force policies, subject to some specific conditions, on January 17, 2017.¹¹⁵ Five new policies, addressing (1) general use of force principles and expectations; (2) definitions used in various force policies; (3) de-escalation techniques to ensure officer and subject safety; (4) intermediate weapons, such as a Taser, OC Spray, and baton; and (5) reporting of force.

In its motion to the Court, the Monitoring Team highlighted that the General GPO importantly highlights that force can be used only when it is necessary, proportional, and objectively reasonable, and that officers must use

¹¹¹ Second Semiannual Report at 27.

¹¹² *Id.* at 28.

¹¹³ Eric Heisig, "Residents Offer Input on Proposed Cleveland Police Use-of-Force Policy," Cleveland.com (Oct. 16, 2016), http://www.cleveland.com/court-justice/index.ssf/2016/09/residents_offer_input_into_pro.html (last visited Apr. 16, 2018).

¹¹⁴ See Second Semiannual Report at 29.

¹¹⁵ Dkt. 101.

strategic de-escalation tactics and strategies when it is safe and feasible to do so.¹¹⁶ “The inclusion of necessity, proportionality, and de-escalation is a notable shift from CPD’s prior force policy.”¹¹⁷ Further, “[b]y requiring all force to be necessary and proportional, the new policy matches community expectations and best practices.”¹¹⁸ The policy also provides specific guidance as to when deadly force may be authorized.

The Division created a specific GPO for intermediate weapons, addressing the use of batons/impact weapons, OC Spray, electronic control weapons (“ECW” or “Tasers”), and the beanbag shotgun. “The new policy sets out clear provisions that apply to all intermediate weapons, regardless of type, including when officers are and are not authorized to use *any* intermediate weapon.”¹¹⁹ It also includes guidance for the use of each specific intermediate weapon.

Importantly, the Division’s Officer Use of Force Reporting policy “outlines what officers must do to notify supervisors after force has been used, what they must be prepared to do in terms of describing and reporting what happened, and the administrative response from the Division that officers can expect to be followed immediately after a use of force incident.”¹²⁰

Collectively, the five force policies provide the kind of specific guidance around use of force that CDP previously lacked. The policies incorporate feedback from community members and CDP line officers in order to ensure that they are consistent with both public and officer safety. The policies went through extensive discussions around best practices and represent a modern approach to force and the need to de-escalate situations.

5. Canine Unit Policy

When the Monitoring Team submitted the new force policies to the Court in November 2016, the Team recommended their approval by the Court subject to certain conditions. One of those conditions was that CDP “provide[] to this Court its revised policies, procedures, manuals, and documentation relating to canine deployments”¹²¹

Accordingly, the Parties and Monitoring Team collaborated to revise the policy and procedural manual relating to the Division’s use of its Canine Unit. In October 2017, the Monitoring Team submitted the revised policy and procedural manual to the Court, highlighting that the documents provided sufficient guidance around the deployment of canines; the manner in which any use of force resulting from a canine deployment is supervised, documented, and tracked; and the investigation of canine uses of force.¹²² The Court approved the canine deployment policies in January 2018.

¹¹⁶ Dkt. 83 at 17.

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.* at 26.

¹²⁰ *Id.* at 28.

¹²¹ *Id.* at 29-30.

¹²² Dkt. 159 at 1-2.

B. Training

1. Development and Successful Implementation of Initial Use of Force Training

Around August 2016, the Division, working closely with the Monitoring Team and Department of Justice, began designing its program for training officers on the new use of force policies (the “2017 Use of Force Training” or “use of force training”). “The Team’s objective was to provide both guidance and technical assistance as to the development and implementation of a cohesive training curriculum that is consistent with the requirements of the Consent Decree and provides the most effective and operationally efficient means by which to ensure that all sworn members of the CDP are rigorously trained and have a working knowledge of the Division’s new use of force policy.”¹²³

Between May and December 2017, the Division of Police provided all sworn CDP personnel with use of force training on the Division’s new use of force policies. All sworn CDP personnel needed to receive the 2017 Use of Force Training. CDP identified 1,431 officers as eligible to receive the new use of force training. The City has certified that all eligible officers have completed the training.

The 2017 Use of Force training began with an initial “pre-load” video presentation that all CDP officers viewed in District roll calls in May and June before they attended in-class training. The roughly ninety-minute video began with a message from Chief Williams that reinforces the importance of the use of force policy provisions. The presentation then provided instruction on the specific provisions of the new force policies.

Once sworn CDP personnel completed the initial “pre-load” presentation, they were required to attend two days (16 hours) of in-class training. Over the two days, officers proceeded through eight modules of instruction, all of which included either interactive or scenario-based elements. Those modules included instruction on:

- De-escalation;
- Contact and cover;
- Subject control and handcuffing;
- Intermediate weapons;
- Decision-making scenarios;
- Threat assessment; and
- Officer performance assessments (video-based) (two modules).

Day One consisted of a formal introduction of the instructors, safety rules, attendance requirements, and expectations. The class was then divided into smaller groups to maximize safety and facilitate close observation and evaluation of each officer attending the training. The officers then proceeded through four modules of training. Day Two consisted of a substantial review of the four modules learned on Day One, and then proceeded into the four remaining modules.

Importantly, within each module, officers needed to meet certain performance benchmarks in order to be considered as having satisfactorily met the training. Training instructors evaluated how officers applied relevant use of force skills and tactics, used sufficient de-escalation tactics, used necessary and proportional force in a

¹²³ Third Semiannual Report at 28-29.

manner consistent with the Division's new policy, complied with specific requirements relating to particular force instruments, and performed in a manner consistent with CDP's expectations. Each officer in each training was evaluated on a host of specific dimensions, with instructors logging performance. Officers who failed to obtain a sufficient overall score received specific feedback on areas that their performance should improve and were required to proceed through the scenario again. Because role players could act and react in different ways, both to vary the scenario organically and to respond directly to officer performance, this was not simply going through the exercise again in order to obtain a known, identified result. That is, even with knowledge about the scenario, officers needed to think and react dynamically because the contours of the scenario and of a subject's response in that scenario changed each time that it was run.

2. Training Implementation and Quality Review

Although the training was not without initial adjustments,¹²⁴ the Monitoring Team was substantially impressed by the Division's commitment to implementing high-quality use of force training and by its ability to capably address challenges in order to achieve the overall training objectives. Role players leveraged their experiences as patrol officers, supervisors, and training specialists to provide real-world situations where officers could apply the new force policies in a controlled environment. Training instructors provided constructive feedback to officers, offering areas for improvement even when performance was generally sufficient and identifying areas of strength even when officers needed to proceed through the scenario again to attain a sufficient level of performance. Officers generally took the training seriously, engaged thoughtfully with other officers and instructors, and appeared to appreciate the opportunity to practice real-world skills and learn from other police professionals.

Perhaps most positive of all, it was not just the Monitoring Team, DOJ, or CDP command staff who were enthusiastic about the use of force training – it was the CDP's rank-and-file. CDP designed an evaluation form to be completed anonymously by each officer at the conclusion of the in-class training. As described in the Monitoring Team's Fourth Semiannual Report, the Team was impressed by the feedback that CDP received. Overall, 79% of officers agreed or strongly agreed that they found the training to be valuable. One officer commented that the training was “[o]ne of the best in-class services I have attended in my career.” Another stated that the training “made me think differently at how to look at situations that I may have got lazy in[.]”

Similarly, nearly three-quarters (71%) of officers agreed or strongly agreed that they “would welcome more training of this type.” One officer wrote, “I believe that this has been the best in-service training I have had so far. I retained much more information than I have in the past just listening to lectures.” Another said, “I hope all future in-service training is done this way.”

Many comments focused specifically on the quality of the in-class scenario exercises. One officer wrote, “The scenario-based training engaged us and reminded us of the importance of our tactics.” Another reported, “The format allowed more interaction and role play instead of the traditional model of just reading a GPO and calling it training.”

¹²⁴ For instance, as described in its Fourth Semiannual Report, the Monitoring Team observed a trainer review the force policy in a manner that was difficult to understand, causing confusion among the attending officers. Attending officers challenged portions of the use of force policy and at times dismissed research underlying the training. A CDP Sergeant said that there were both “good” and “bad” portions of the policy. Subsequent observations of these same modules appeared to address these issues.

Officers also remarked on the preparation and dedication of the training instructors. The instructors were “excellent[.]” “outstanding[.]” and “top notch[.]” One officer commented, “The instructors all took the time to clarify the policy to everyone and it is apparent that they took an extensive amount of time to be able to translate the important lessons into the scenarios we performed[.]”

The 2017 Use of Force Training established a strong foundation for ongoing, follow-up training provided on an annual basis on additional and in-depth force topics. The Division plans to assess the evaluation responses and will incorporate officers’ feedback into upcoming follow-up force training curricula to ensure that the training is as effective as possible.

C. Use of Force Reporting

As described above, the Division’s new use of force policies, approved in January 2017 and effective starting January 1, 2018, include a Use of Force Reporting policy that is consistent with the requirements of the Consent Decree and incorporates community feedback.¹²⁵ The policy outlines what officers must do to notify supervisors after force has been used, what they must be prepared to do in terms of describing and reporting what happened, and the administrative response from the Division that officers can expect to be followed immediately after a use of force incident.

In conjunction with the new Use of Force Reporting policy, the Division has created a Witness-Officer Narrative Statement, which requires officers who are bystanders or witnesses to the use of force by a fellow CDP officer to provide:

- A detailed account of the incident from the witness-officer’s perspective;
- The reason for the initial police presence;
- A specific description of the acts that led to the use of force;
- The level of force encountered;
- A complete and accurate description of every type of force used or observed.

Where the Division Stands

With the implementation of new use of force policies, the completion of the first year of use of force training by all officers, and new policies and procedures for reporting the use of force, the Division’s new use of force policies became effective, in the field and on the streets of Cleveland, on January 1, 2018. The Monitoring Team previously cautioned that “officers may make some good-faith errors or mistakes in the first few months that the new force policies are in effect” and that “sufficiently systemic adherence to the new policies . . . is unlikely to occur overnight.”¹²⁶

As the Division has been tracking use of force incidents in its officer performance data, the Monitoring Team can report early trends with respect to force here. Before discussing these details, the Monitoring Team must emphasize a significant caution: The data reported here are early, capturing five months of data. Points of

¹²⁵ See Second Semiannual Report at 34.

¹²⁶ Fourth Semiannual Report at 31.

comparison between early 2018 and previous departmental performance are imperfect and limited to some relevant extent, as the statistics need to be addressed in various ways to ensure fair, accurate comparisons.

In the first five months that the new use of force policies were effective on the streets of Cleveland, officer use of force was down as compared to the same time period a year earlier. In order to make a fair, “apples to apples” comparison, the numbers in Table 2 for 2018 consider officer use of force other than the pointing of a firearm at an individual – a low-level, reportable Level 1 use of force under the Division’s new policy. Because the Division did not previously track this information in its use of force database in 2017, the 2018 numbers need to be adjusted to exclude pointing a firearm to get a sense of how officer performance has been changing independent of the this change of force definition.

The Monitoring Team notes here that this mode of analysis is not to imply that the tracking of instances where officers have pointed their firearm at an individual is not important. It is. Indeed, it constitutes a seizure under the Fourth Amendment and a use of force, which is why it is reportable as such. However, again, the task here is to gauge, preliminarily, how the Division is doing as compared to the same period previously. Without eliminating from the statistics those instances where officers reported as force in 2018 things that, previously, they were likely doing at a similar rate in 2017 but simply not reporting, little analysis could be conducted.

With the above caveats, the Team is nonetheless thoroughly impressed, then, that the early returns with respect to use of force are overwhelmingly positive. The use of force in Cleveland by CDP officers was down in early 2018 compared to the same period in 2017 – by nearly 40 percent.

Table 2: Use of Force Incidents, January–May: 2018 v. 2017
excluding Level 1: pointing of a firearm at an individual

	2017	2018
January	23	10
February	19	10
March	22	11
April	23	16
May	16	16
TOTAL (January through May)	103	63

Source: CDP IAPro Database.

Meanwhile, **Part I crimes in Cleveland were down in Cleveland over the same period across nearly every category (with the exception of rape).** More specifically, as summarized in Table 3, all UCR Part I crimes—with the exception of rape, a notoriously difficult crime for law enforcement to impact—in 2018-to-date are down compared to 2017, some as much as 46%. Law enforcement tactics are just one of many factors that may or may not explain why crime trends move as they do. But to the extent that some CDP officers have expressed concerns that new use of force policies would contribute to a “soft-on-crime” approach that will allow individuals to more freely commit wanton crime without consequence, that theory is not supported by the initial data.

Table 3: Part I Crime, January–May: 2018 v. 2017

	2017 (Jan. 1 through June 2)	2018 (Jan. 1 through June 2)	Change
Homicide	50	37	-26.0%
w/ Firearm	43	31	-27.9%
no Firearm	7	6	-14.3%
Rape	208	223	+ 7.2%
Robbery	1239	942	-24.0%
Felonious Assault	1043	989	- 5.2%
Burglary	2546	1797	-29.4%
Theft	5798	4372	-24.6%
Grand Theft MV	1522	1356	-10.9%
Arson	122	66	-45.9%

Source: CDP Crime Analysis

It appears, then, that – at least initially – officers are using force less without apparent increases in crime. Indeed, force is down at the same time that it appears that crime is down.

It is possible, of course, that numbers on *reported* crimes may not tell the whole story. Indeed, in places where some communities distrust the police or are otherwise not comfortable reporting when they see or are victims of crime, the formal crime rate statistics may understate, to some material extent, the actual experience of communities with crime. We cannot definitively confirm or reject the possibility that, in Cleveland, crime is down not because less crime is occurring but because fewer people are reporting crime to police. However, the Monitoring Team’s community survey results, discussed elsewhere in this report and in the survey firm’s independent report in Appendix A, suggest that this is unlikely.

For one thing, the survey asked a statistically-significant and representative sample of the Cleveland population, “In general, how safe do you feel in the City of Cleveland?” In the June 2018 survey, 75% said they feel “very” or “somewhat” safe – a slight increase from the 70% who said they felt “very” or “somewhat” safe in 2016. This tends to cut against the possibility that crime rates are not reflecting the experience or reflection of crime – as just as many, if not slightly more, people say they feel safe in Cleveland today as reported two years ago. Then results are similar when people are asked about how safe they feel in *their* neighborhood – with 81 percent saying that feel “very” or “somewhat” safe in 2018 compared to 78 percent who felt “very” or “somewhat” safe in 2016. Further, when asked more specifically about how they would “rate the job the Cleveland Police are doing controlling crime in your neighborhood,” 60% say the Division is doing an “excellent” or “good” job, a 9% increase from 2016.

Further, and **at the same time, officer injuries are down – significantly**. Between January 1 and May 31 of 2017, there were 68 officer injuries in use of force incidents. Between January 1 and May 31 of 2018, there were 24 injuries to officers in force incidents.¹²⁷ This is **a decrease of 65 percent**. Of course, it is not just whether officers

¹²⁷ These totals reflect the number of individual officers injured across use of force incidents occurring between January 1, 2018 and May 31, 2018 based on the Division’s relevant officer injury database. It includes instances where the database indicates under injury type that officers “refused treatment,” were “treated and released” but does not specify the particular nature of the injury incurred, or list the name of a hospital to which officers were taken. It is possible that, for each of these categories, officers did not actually incur an injury. However, because this cannot be definitively determined without reviewing hard copy reports and files, the Team

are injured in instances when they use force. Equally important is the extent to which officers are injured across incidents, including those in which they do *not* use force. Here, too, the numbers show fewer officers injured on the job. Between January 1 and May 31 of 2017, there were 58 officers injured on duty. For the same period of 2018, there were 51 officers injured – a 12 percent reduction.

Consequently, it does not appear that using force less is increasing the risk of officer injury. To the contrary, at the same time that officers are using substantially less force against subjects on the streets of Cleveland, officers are being injured on the job less frequently. And, again, all of this is in turn happening as crime in Cleveland is down and residents report feeling just as, if not slightly more, safe in Cleveland and in their neighborhoods as they did before.

It is too soon, and the available data too limited, to make any definitive conclusions about the impact of the Division's new force policies and training. Crucially, the Monitoring Team observes here that substantial and effective compliance with the Consent Decree, and **general compliance with the use of force provisions of the Decree, does not and cannot depend simply on fewer uses of force alone.** Instead, the Decree and the Court-approved policies enacted to comply with it require that force be used when it is necessary, proportional, reasonable, and reasonably available de-escalation attempts have been used – all as part of ensuring that policing in Cleveland keeps the public safe and ensures that officers can likewise do their jobs safely. Thus, it is not the decrease in force alone that is encouraging. Instead, it is the confluence of decreased force, decreased crime, an unchanged to slightly increased sense of safety within the community, and decreased officer injury that are substantial reasons for optimism.

Likewise, the Monitoring Team must caution here that insufficient time has passed for the Team to conclude an exhaustive qualitative assessment of the force that officers have used. **Even if officers are using force less often, the force that they do use needs to adhere rigorously to the Division's new policy.** Even in the face of encouraging aggregate numbers, then, the Division will need to ensure – and the Monitoring Team will be auditing – whether officers are complying with law, policy, and the terms of the Consent Decree when they employ force.

Mindful of these important caveats and limitations, **the Monitoring Team here commends the men and women of the Division of Police.** The statistics cited and analyzed here in a clinical fashion are ultimately the aggregation of the daily decisions that officers have been making on the streets of Cleveland as they respond to crime, problems, and community concerns. Again, although more time will be necessary to understand if the initial trends suggested by the numbers are temporary or more enduring, these preliminary numbers do suggest that, at least for the first critical period in which the force policies have been in effect, the members of the Division of Police are doing their jobs in a different way.

seeks to err on the side of over-inclusion – such that the numbers for one or both years may, in actuality, be higher than the number of officers who actually were injured.

Progress and Tasks that Remain

1. Ongoing, Annual Use of Force Training

The Division will have to continue to conduct use of force training on an annual basis, updating the curriculum as appropriate to address officer and community feedback, as well as what data reveals about patterns of force within CDP. The Division's Training Section appears to recognize that it is critical to build upon the initial Use of Force Training rather than let those positive results slide as officers forget critical skills and lessons.

2. Compliance with Policy

As noted previously, and as with many areas of the Consent Decree discussed in this report, the Division remains in the early days of actively implementing new policies designed to comply with the Decree. Again, early indicators are tremendously encouraging. However, more time will be necessary for the new obligations to sink in, for the Division to demonstrate that it is holding officers accountable for deviations from new force expectations, and for the Monitoring Team to independently evaluate whether officers are in fact using force in a manner consistent with the new policies and training.

D. Use of Force Investigation and Review

Paragraph	Status of Compliance
93. "A supervisor who was involved in a use of force, including by participating in or ordering the force under investigation, will not investigate the incident or review the Use of Force Reports for approval or disapproval."	EVALUATION DEFERRED
94. Setting specific requirements relating to the investigation of low-level, Level 1 force.	NON-COMPLIANCE
95-109. Setting specific requirements relating to the investigation by supervisors and/or CDP chain of command for investigation and review of Level 2 force.	NON-COMPLIANCE
110. "CDP may refer criminal investigations of uses of force to an independent and highly competent agency outside CDP."	EVALUATION DEFERRED
111. Creation and design of dedicated Force Investigation Team (FIT) that "will conduct administrative investigations . . . and criminal investigations" of serious force, "force involving potential criminal conduct," in-custody deaths, and cases assigned to it by the Chief.	NON-COMPLIANCE
112. Composition of FIT Team.	NON-COMPLIANCE
113. "FIT members will receive FIT-specific training that is adequate in quality, quantity, scope, and type" on a host of specific, expressly-listed topics both initially and annually thereafter.	NON-COMPLIANCE
114. "CDP will identify, assign, and train personnel for the FIT to fulfill the requirements of this Agreement."	NON-COMPLIANCE

115. Response of FIT to use of force scenes. FIT notification of prosecutor's office. Notification of designated outside agency to conduct criminal investigation if City elects to use external agency for such investigations.	PARTIAL COMPLIANCE
116. "CDP will develop and implement policies to ensure that, where an outside agency conducts the criminal investigation, FIT conducts a concurrent and thorough administrative investigation."	NON-COMPLIANCE
117. Memorandum of understanding required between CDP and outside agency containing specific, expressly-listed provisions.	EVALUATION DEFERRED
118. Setting forth various, specific, and expressly-listed responsibilities of FIT during its investigations.	NON-COMPLIANCE
119. Monitor's duty to annually review any "criminal investigations conducted by the outside agency" to ensure that they "are consistently objective, timely, and comprehensive."	EVALUATION DEFERRED
120. Providing for delay of compelled interview if "case has the potential to proceed criminally" but otherwise requiring that "[n]o other part of the investigation . . . be held in abeyance" unless "specifically authorized by the Chief" in consultation with investigating agency and prosecutor's office.	EVALUATION DEFERRED
121. Requiring completion of preliminary report presented to Chief or Chief's designee "as soon as possible, but absent exigent circumstances, no later than 24 hours after learning of the use of force."	EVALUATION DEFERRED
122. Completion of investigation within 60 days. Preparation of FIT investigation report. Review of FIT investigative report by head of Internal Affairs who "will approve or disapprove FIT's recommendations, or request . . . additional investigation."	NON-COMPLIANCE
123. Revision of FIT manual to ensure "consisten[cy] with the force principles" and several specific, expressly-listed provisions.	NON-COMPLIANCE
124-30. Establishment and operation of Force Review Board "to serve as a quality control mechanism for uses of force and force investigations, and to appraise use of force incidents from a tactics, training, policy, and agency improvement perspective."	NON-COMPLIANCE

Background

Along with failures by CDP officers to report officer uses of force, CDP had also, before the Consent Decree, not always "adequately review[ed] and investigate[d] officers' uses of force"¹²⁸ and in some instances had "specially-trained investigators who are charged with conducting unbiased reviews of officers' use of deadly force . . . conduct their investigations with the goal of casting the accused officer in the most positive light possible."¹²⁹ Many personnel within the Division believed, erroneously, that all force investigations were Internal Affairs investigations into what had already been determined to be misconduct, rather than "mechanisms . . . to self-manage and continually improve the quality of its service."¹³⁰ All uses of force were reviewed under the same or similar processes, no matter how minimal or serious the use of force, leaving supervisors frustrated as to why they were dedicating so much investigatory time to relatively minor uses of force.¹³¹ Altogether, the "CDP's systemic

¹²⁸ DOJ Findings Letter at 3.

¹²⁹ *Id.* at 5.

¹³⁰ Second Semiannual Report at 36.

¹³¹ *Id.*

failures” meant it was “not able to timely, properly, and effectively determine how much force its officers are using[.]”¹³²

Consequently, the Consent Decree establishes clear protocols by which the Division must investigate uses of force by the reported level of force. Under a Level One use of force, supervisors are not required to respond to the scene. Unless the supervisor determines the lower-level force to be in violation of Division policy, the subject to whom force was applied makes an allegation of excessive force, or the supervisor determines that the level of force was improperly classified, the investigation will typically be limited to a review of the involved officer’s use of force report.¹³³

Level Two uses of force require a supervisor to respond to the scene and commence a preliminary force inquiry. Such inquiries are to include assessing officer and subject inquiries and ensuring prompt medical assistance, locating and interviewing witnesses, identifying and locating physical or forensic evidence, securing any audio or video evidence that may have captured the incident, and properly evaluating whether the force used was consistent with law and policy.¹³⁴ If a supervisor’s inquiry at any point indicates “that there may have been misconduct, the supervisor will immediately notify Internal Affairs and Internal Affairs will determine if it should response to the scene and/or conduct or take over the investigation.”¹³⁵

Level Three uses of force may come under the purview of either CDP’s Force Investigation Team (“FIT Team”) or an independent outside agency. The FIT Team, made up of individuals specially selected for their training and expertise, will receive FIT-specific training to handle comprehensive and objective administrative reviews of force incidents.¹³⁶

Along with force inquiries, the Decree also requires CDP to craft policies and procedures related to supervisory review of completed force investigations. Part of this process entails the establishment of a Force Review Board (“FRB”). Intended “to serve as a quality control mechanism for uses of force and force investigations,” the FRB will “appraise use of force incidents from a tactics, training, policy, and agency improvement perspective.”¹³⁷ Specifically, FRB will review all serious uses of force (e.g., FIT investigations), Level 2 investigations involving force-related misconduct, and a random sample of Level 2 investigations that do not involve force-related misconduct.¹³⁸ FRB must also “assess the quality of the investigations it reviews, including whether investigations are objective and comprehensive and recommendations are supported by a preponderance of the evidence.”¹³⁹ It will “examine . . . data related to use of force . . . to detect any patterns, trends, and training deficiencies”¹⁴⁰ The Board will be comprised of personnel from across the Division, who will receive training on “legal updates, updates to CDP’s policies, and CDP training curriculum related to the use of force.”¹⁴¹

¹³² DOJ Findings Letter at 5.

¹³³ Dkt. 7-1 at ¶¶ 94-95.

¹³⁴ *Id.* at ¶¶ 95-97.

¹³⁵ *Id.* at ¶ 99.

¹³⁶ *See id.* at ¶¶ 111-18.

¹³⁷ *Id.* at ¶ 124.

¹³⁸ Dkt. 7-1 at ¶ 124.

¹³⁹ *Id.* ¶ 128.

¹⁴⁰ *Id.* ¶ 129.

¹⁴¹ *Id.* at ¶ 124-25.

What Has Been Accomplished

Since December 2016, the Parties have been working on the creation of a comprehensive FIT Manual to guide CDP investigations of Level 3 uses of force. The draft Manual is now in its final stages of development and the manual is expected to be completed and submitted for court approval by the end of Summer 2018. The document has been the subject of extensive discussions and revisions in an attempt to use best practices identified from police departments around the country and apply them to the specific needs of CDP and the communities it serves.

In addition, a supervisory review and investigation policy for Level 1 and 2 uses of force is in the final stages of development and is expected to be submitted for court approval at the same time as the FIT manual. Upon the completion of the FIT manual and the Supervisory Review and Investigation policy, work will continue in earnest to discuss and finalize a policy guiding the work of the CDP's new Force Review Board.

Where the Division Stands

Because the FIT and FRB policies have not yet been implemented, the Monitoring Team is unable to assess any improvements on the quality of force investigations and review.

The Monitoring Team here notes that the Division has continued to have a relatively slow pace of force investigations. Officers enter their use of force reports into Blue Team, the officer input section of IAPro. CDP supervisors in the chain of command review those use of force reports in Blue Team and then forward them along the chain. Over 2016, the Monitoring Team identified that there were a substantial number of use of force cases in Blue Team that had not passed through the levels of review and were, essentially, in a backlog. When the Monitoring Team first requested data on use of force from the Division, it had been aware of a backlog in Blue Team chain of command reviews. As of late 2016, approximately 145 use of force were in a backlog dating to March 2016, raising concerns about the slow pace of force reviews.

However, and encouragingly, the Division has made great strides in 2018 to enhance the timeliness of force investigations and eliminate backlogged force investigations. As of mid-June 2018, only four force investigations from 2017 remained open – with significant majorities of investigations of force incidents occurring in January and February 2018 being closed. This pace, if the Division continues to focus on maintaining it, will substantially assist the Division in ensuring the timely completion of force investigations that the Decree contemplates.

Progress and Tasks that Remain

1. Officer Training and Policy Implementation

With the FIT and FRB manuals anticipated to be completed in the near future, CDP will be able to comprehensively analyze the application of force so that officer training, professional development, and risk management may all be continually enhanced. Going forward, the Division must seriously embrace the responsibility to review officers' force incidents—"not on the assumption that they necessarily did anything wrong, to uncover trivial policy violations, or to second-guess officers, but instead to ensure that the Division generally and involved officers specifically are able to learn and improve from each interaction. This process will require that the Division and its personnel become comfortable with the notion that saying that an officer's

performance should or could have been better during the course of an incident, even where an officer had no other choice than to apply force consistent with policy at the instant that it was applied, is not only possible but vital.”¹⁴²

Before new policies on force investigation and review can become effective, implicated Division personnel will need to receive training on the new expectations. Specifically, the Division’s supervisors will all need training on how to conduct lower-level force investigations and reviews; the new FIT Team will need to receive force-investigation-specific instruction; and selected members of the newly-established FRB will likewise need to receive initial training on their duties, responsibilities, and the ways that the Board must conduct its work. The Parties and Monitoring Team have worked through several drafts of a curriculum addressing supervisory training. Over the next reporting period, the Division will need to take significant steps to design and implement these important training initiatives.

2. Operation of FRB

As the FRB becomes operational following the finalization of the FRB Manual, the Monitoring Team plans to provide in-depth, active, and real-time technical assistance by participating in meetings of the Board and, where necessary, ask questions or probe unexplored issues if the Board is not otherwise considering material issues that it must under CDP policies and the Consent Decree. The Monitoring Team will also evaluate outcome data for the FRB’s ability to act as “quality control” for the thorough and timely review of force incidents.

3. Compliance & Adherence to New Policies

The requirements of supervisors, FIT, FRB, and the Division’s command staff when it comes to the investigation and review of force incidents are significant and critical. The Division, and Monitoring Team, will need to ensure that it is adhering to the new requirements across cases, investigations, and time. Again, short-term or sporadic compliance will be insufficient for the new policies on force investigation and review to be considered effective in practice – and for the Division to reach “general compliance.”

¹⁴² Fourth Semiannual Report at 34-35.

VII. CRISIS INTERVENTION

Paragraph	Status of Compliance
131. "CDP will build upon and improve its Crisis Intervention Program" in furtherance of four specific, expressly-listed goals, which "will provide a forum for effective problem solving regarding the interaction between the criminal justice and mental health system and create a context for sustainable change."	PARTIAL COMPLIANCE
132. Establishment of Mental Health Response Advisory Committee (the "Advisory Committee") "to foster relationships and build support between the police, community, and mental health providers and to help identify problems and develop solutions designed to improve outcomes for individuals in crisis."	OPERATIONAL COMPLIANCE
133. Composition of Advisory Committee.	OPERATIONAL COMPLIANCE
134. "The Advisory Committee will meet regularly and provide guidance to assist CDP in improving, expanding, and sustaining its Crisis Intervention Program."	OPERATIONAL COMPLIANCE
135. Advisory Committee will conduct an annual "analysis of crisis intervention incidents to determine whether CDP has enough specialized CIT officers, whether it is deploying those officers effectively, and whether specialized CIT officers" and communications "are appropriately responding to people in crisis," and will also "recommend appropriate changes."	EVALUATION DEFERRED
136. "The Advisory Committee's reports and recommendations will be provided" to CPC, "be publicly available, and will be posted on the City's website."	OPERATIONAL COMPLIANCE
137. CDP will designate a Crisis Intervention Coordinator for specific, expressly-identified purposes.	OPERATIONAL COMPLIANCE
138. "Coordinator will develop and maintain partnerships with program stakeholders and serve as point of contact" and "resource" for other stakeholders.	OPERATIONAL COMPLIANCE
139. "Coordinator will participate in the Advisory Committee and on a regular basis solicit feedback from the mental health community and specialized CIT officers, call-takers, and dispatchers regarding the efficacy of CDP's Crisis Intervention Program."	PARTIAL COMPLIANCE
140. "Coordinator will be responsible for coordinating implementation of the changes and recommendations made by the Advisory Committee, as appropriate."	OPERATIONAL COMPLIANCE
141. "Coordinator will be responsible for ensuring the selection of appropriate candidates for designation as specialized CIT officers" and "to ensure that officers, call-takers, and dispatchers are appropriately responding to CIT-related calls."	PARTIAL COMPLIANCE
142. "Coordinator will create ways to recognize and honor specialized CIT officers, call-takers, and dispatchers."	EVALUATION DEFERRED
143. Initial and annual crisis intervention training to all officers and recruits that is "adequate in quality, quantity, type, and scope."	OPERATIONAL COMPLIANCE
144. Initial and annual crisis intervention training for dispatchers and call-takers.	OPERATIONAL COMPLIANCE

Background

Law enforcement officers are often the first responders to situations involving individuals who are experiencing what is called a “behavioral health crisis” – a term refers to people experiencing mental health, significant substance abuse, or other behavioral health issues. For instance, while individuals with severe mental illness make up only three percent of the U.S. adult population, they are involved in as many as ten percent of emergency calls to police.¹⁴³ Further, it is estimated that between one-quarter to one-half of all fatal law enforcement encounters involve individuals experiencing mental health issues.¹⁴⁴

Across the country, and for some time, there has been concern that police officers need more comprehensive skills, training, and support to be able to identify individuals experiencing behavioral crises and respond in the manner that best ensures the safety of the individual, the general public, and officers. Cleveland was not immune from these issues at the start of the Consent Decree process. The investigation that led to the Decree found that CDP “officers use[d] excessive force against individuals who are in mental health crisis or who may be unable to understand or comply with the officers’ commands[.]”¹⁴⁵ This was true even in situations where “officers [were] called to the scene by concerned family members who are only seeking help for their loved ones.”¹⁴⁶ “Too often[,] . . . officers handle[d] these difficult situations poorly and end up resorting to unconstitutional force against people in crisis.”¹⁴⁷

Recognizing the challenge of crisis intervention and the need for CDP officers to better assist people in crisis, the Consent Decree requires that the Division should build and enhance its Crisis Intervention Program with the goals of:

- Assisting individuals in crisis;
- Improving the safety of officer, consumers, family members, and others within the community;
- Providing the foundation necessary to promote community and statewide solutions to assist individuals with mental illness; and
- Reducing the need for individuals with mental illness to have further involvement with the criminal justice system.¹⁴⁸

What Has Been Accomplished to Date

1. Establishment of the Mental Health Response Advisory Committee

The Parties and other stakeholders completed several key tasks in the initial months of Consent Decree implementation. The Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County (the “ADAMHS Board”), under a memorandum of understanding with the City, formed the Mental Health Response

¹⁴³ See Doris A. Fuller, et al., *Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters*, Treatment Advocacy Center (Dec. 2015), <http://www.treatmentadvocacycenter.org/storage/documents/overlooked-in-the-undercounted.pdf>.

¹⁴⁴ *Id.*

¹⁴⁵ DOJ Findings Letter at 4.

¹⁴⁶ *Id.* at 53.

¹⁴⁷ *Id.* at 53.

¹⁴⁸ Dkt. 7-1 at ¶ 131.

Advisory Committee (“MHRAC” or “Advisory Committee”). This Advisory Committee, required by the Decree, is a community problem-solving forum that has become the center of the City of Cleveland’s efforts at providing emergency and social services to individuals experiencing behavioral health crises. Representatives from the police, social service providers, mental health and substance abuse professionals, the judiciary, advocates, and individuals in recovery continue to meet regularly to collaborate on ways to improve services to those in need of care.¹⁴⁹

Over the course of the Decree’s implementation, the Advisory Committee has provided an impressive, effective forum for addressing issues regarding the interaction between the criminal justice system and mental health care. The group has navigated disagreements and tackled difficult issues – reaching common-sense solutions and aiming for common ground. MHRAC has quickly become a national model for how a community can come together and, across functions and areas of concern, coordinate an effective response to a major public health and public safety issue.

MHRAC began with six standing subcommittees (Executive, Policy, Data, Training, Community Engagement, and Diversion).¹⁵⁰ It added a seventh, the Quality Improvement Subcommittee, in 2017, which reflects MHRAC’s increasing focus on improving the delivery of social services to individuals in crisis.

2. Needs Assessment

MHRAC’s first major accomplishment was completing a crisis intervention needs assessment (“Needs Assessment”), evaluating the needs of both the public and CDP officers. The Advisory Committee’s Community Engagement and Policy Subcommittees created an *ad hoc* Public Safety Task Force, which organized community meetings that were facilitated by MHRAC and CDP officials. It also provided a survey to attendees at community meetings and online, with Spanish language versions made available and special efforts made to reach out to Cleveland’s Spanish-speaking community. MHRAC also worked with the National Alliance of Mental Illness (“NAMI”) of Greater Cleveland to host focus group sessions. CDP surveyed its officers on crisis issues, and a number of police officer organizations provided comments.

The Advisory Committee’s Data Subcommittee analyzed the community-wide and police officer feedback, with a summary of community input presented at MHRAC’s April 2016 general meeting.

The results of the Needs Assessments informed development of the MHRAC’s inaugural Work Plan, a detailed document that identified major tasks, responsible parties, and working timeframes. The Work Plan called for MHRAC to focus on, among other early priorities: revising the Division’s crisis intervention policy; exploring new crisis data collection; revising crisis intervention training curricula; and establishing CDP CIT leadership. The Court approved the Work Plan in May 2016.

¹⁴⁹ Third Semiannual Report at 56.

¹⁵⁰ First Semiannual Report at 39-40.

3. Appointment of a CDP Crisis Intervention Coordinator

Under the Consent Decree, the CDP must appoint an officer, at the rank of Captain or above, to act as the Division's Crisis Intervention Coordinator ("CIT Coordinator") within 180 days of the Decree becoming effective.¹⁵¹ The CIT Coordinator is tasked with the following important duties:

- Developing partnerships with stakeholders;
- Participating in the Advisory Committee;
- Soliciting feedback from the community and specialized CIT officers and dispatchers;
- Coordinating implementation of changes; and
- Ensuring the selection of appropriate candidates as specialized CIT officers and creating ways to honor and recognize specialized CIT officers and dispatchers.¹⁵²

CDP appointed Captain James Purcell as the CDP's Crisis Intervention Coordinator. Captain Purcell is a well-respected officer with experience in the mental health field. As discussed later, he has played an active role in the Division's crisis intervention success, and his leadership has been crucial to the success of MHRAC and the Division's efforts in the crisis intervention area.

4. Revising CDP Crisis Intervention Policies and Procedures

The Decree required CDP to work in partnership with MHRAC to revise its policies to clarify that:

- Crisis intervention responses may be necessary even in situations where there has been an apparent law violation;
- CIT officers have appropriate discretion to direct individuals to health care rather than the judicial system; and
- CIT officers must be dispatched to all calls that involve an individual in crisis.¹⁵³

The work to revise and expand three interdependent CDP policies (Crisis Intervention Program, Crisis Intervention Response, and Crisis Intervention Definitions) began early in the Decree's implementation and was led by MHRAC's Policy Subcommittee. As part of revising the Crisis Intervention Policies, the Policy Subcommittee identified four guiding principles:

- Advancing respect, dignity, and safety in all interactions between CDP and citizens;
- Safely diverting people with mental illness, the vulnerable, and/or those citizens in crisis from the criminal justice system where possible to appropriate mental health and substance abuse treatment;
- Reducing unnecessary use of force and injury and advancing best practice tactics; and
- Managing the stigma associated with mental illness and addiction in police-citizen encounters.¹⁵⁴

¹⁵¹ Dkt. 7-1 at ¶ 137.

¹⁵² *Id.* at ¶¶ 137-42.

¹⁵³ Dkt. 7-1 at ¶¶ 153-59.

¹⁵⁴ ADAMHS Board of Cuyahoga County on behalf of the City of Cleveland Mental Health Response Advisory Committee, City of Cleveland Mental Health Advisory Committee 2015 Report, 1-22 (Jan. 2016).

To assess best practices, the Policy Subcommittee reviewed more than 23 separate crisis intervention policies from across the country. Subcommittee members identified the best features of each policy and worked collaboratively with Division officials to incorporate those features into the revised policies. The MHRAC Policy Subcommittee used the results from the community and officer needs assessment meetings to guide them in developing the revised policies.

Upon completion of a finalized draft policy, the Division and City of Cleveland went to great efforts to obtain meaningful community input. In major community events, members were briefed on the policy. Skilled facilitators helped with small group feedback so that all community members had a chance to discuss their reactions to the new policy. Community turnout was high.

Community feedback was tracked systematically. The MHRAC Policy Subcommittee reviewed all community recommendations and met to discuss the crisis intervention policies in light of the community comments. The community feedback at public forums led to further substantive changes in the policies, including a stronger emphasis on the concept of respect and dignity, a focus on the importance of building relationships with community and local neighborhoods, a juvenile-specific section in the Crisis Intervention Response Policy, and guidance for the officer for responding to children who are witnesses to an event when police respond to individuals in crisis.

In January 2017, after closely reviewing the final policies, the Monitoring Team recommended their approval by the Court. The new policy represents a comprehensive and thoughtful strategy for responding to individuals in a behavioral crisis – one that involves not just the Division but Cleveland’s wider social service fabric. The policies also address issues not included in the specific requirements of the Consent Decree, such as coordination with community resources to assist those in need and addressing the needs of youth by providing special guidance for officers interacting with them. Further, although the community-based Advisory Committee is required by the Consent Decree, MHRAC’s role was written directly into the new CDP policies – helping it ensure that the community will be partnering with the Division on crisis intervention issues for years to come.

The willingness of MHRAC, CDP, and the Parties to go beyond the strict requirements of the Consent Decree to provide the best solutions for the residents of Cleveland has helped to establish the Division’s crisis intervention approach as among the best in the nation.

5. Crisis Intervention Training

The Consent Decree requires several types of training related to crisis intervention. First, all officers must receive at least eight hours of initial training on crisis intervention issues. Second, new recruits must receive 16 hours of training in the Academy on crisis issues. Third, CDP dispatchers and call-takers must receive appropriate training on identifying signs of behavioral crisis. Fourth, CDP must provide 40 hours of enhanced training to designated, specialized Crisis Intervention Team (“CIT”) officers who will be specifically dispatched to the scene of incidents involving individuals experiencing a behavioral crisis.

Academy Training. Since the Consent Decree was first ordered, the Ohio Peace Officer Training Commission issued a new Crisis Intervention training curriculum for Ohio peace officers.¹⁵⁵ CDP recruits receive this curriculum as part of Academy Training. The Parties, MHRAC, CDP, and the Monitoring Team agreed that this new training is a reasonable substitute for the Decree-required sixteen hours of Academy Training.

Annual In-Service Training. The Advisory Committee's Training Subcommittee took the lead to design the CIT curriculum for the minimum of eight hours of annual training for all officers, adapting elements of the academy training curriculum to shape the eight hours of annual training for all officers.

In the Winter and Spring of 2017, the MHRAC Training Subcommittee and CDP focused on the first year of annual training of all CDP officers. The Committee decided that an emphasis on the quality of instruction and the ability of the training to have a meaningful impact on the officer in training were more valuable than covering a large quantity of topics. The final eight-hour training curriculum – a product of significant collaboration among CDP, the MHRAC Training Subcommittee, and the community – was approved by the Court.¹⁵⁶

Once the Eight-Hour Training Curriculum was approved by the Court, CDP began scheduling training for all officers. In order to prepare for the training, CDP, the ADAMHS Board staff, a representative of the Ohio Criminal Justice Coordinating Center for Excellence, representatives from the Department of Justice, and a member of the Monitoring Team with national expertise in crisis intervention collaborated to train both the law enforcement and mental health instructors. An evaluation instrument used in other crisis training work was modified for the Eight-Hour Training given to CDP officers. The Department of Justice and the Monitoring Team observed several training sessions to provide feedback and quality assurance. As of late November 2017, all officers eligible to attend the crisis intervention training had completed it.¹⁵⁷

In the current reporting period, under MHRAC's Third-Year Work Plan, the Training Subcommittee has been, among other tasks, developing a second-year curriculum for all CDP officers on crisis intervention issues. The second-year curriculum was submitted to the Court for final approval on July 13, 2018. The Second-Year Crisis Intervention In-Service Training for all CDP officers began on July 16, 2018.

40-Hour Specialized CIT Training. The Consent Decree provides that the Division must “provide enhanced specialized training in responding to individuals in crisis to certain officers (“specialized CIT officers”)” who will be “called upon to respond to incidents or calls involving individuals in crisis.”¹⁵⁸ These specially trained officers functionally become the Division's experts on handling difficult situations involving individuals experiencing behavioral health crises.

Early on, the Advisory Committee's Training Subcommittee developed a series of recommendations for the 40 Hours of Enhanced Training for Specialized CIT Officers, which included:

- Focus on patrol officers who volunteer for the training;

¹⁵⁵ Ohio Peace Officer Training Commission: Education & Policy Section, Peace Officer Basic Training Crisis Intervention, 1-156 (Jan. 2016).

¹⁵⁶ Dkt. 129.

¹⁵⁷ Dkt. 165 at 3.

¹⁵⁸ Dkt. 7-1 ¶ 144-46.

- Use of providers/experts in the field and experienced CIT officers to provide training, including individuals and families of individuals in recovery from serious mental illness;
- New emphasis on the use of de-escalation tactics for responding to individuals experiencing mental health or behavioral health crisis; and
- Adding the use of the commitment process to the legal education component.¹⁵⁹

Detailed work on the 40-hour specialized training waited while MHRAC's Policy Subcommittee finalized the Division's crisis intervention policy. In 2017, the CDP and the Training Subcommittee worked with the Department of Justice and the Monitoring Team to obtain informal feedback for both the course outline and the templates of sample courses for the 40-hour training. The full MHRAC Committee ultimately approved the outline of the 40-Hour Curriculum.

In the current reporting period, the Training Subcommittee has worked to complete the 40-Hour Curriculum. The Training Subcommittee is working with community faculty who volunteer to provide expert instruction. The faculty and the Training Subcommittee will complete the individual courses. The Training Subcommittee is collaborating with CDP, the City, the Department of Justice, and the Monitoring Team to develop the final draft of the 40-hour curriculum in the Fall of 2018.

Training for Dispatchers and Call Takers. The Training Subcommittee has continued work on the CDP's existing CIT curriculum for dispatchers and call takers, which focuses on that personnel being able to identify calls for service that may implicate crisis intervention issues and dispatching appropriate resources to the scene of such events. To date, an outline has been developed, and the more specific curriculum will be fully finalized once the 40-Hour Curriculum for specialized CIT officers is completed.

6. Specialized Crisis Intervention Plan

Under the Decree, the CIT Coordinator must "develop an effective specialized crisis intervention plan . . . to ensure that a specialized CIT officer is available to respond to all calls and incidents that appear to involve an individual in crisis[.]"¹⁶⁰ To become a specialized CIT officer, a CDP officer must volunteer, have three years of CDP experience, complete a written application, obtain supervisory recommendations, undergo a disciplinary file review, and participate in an in-person interview. Officers with a history of complaints of, or who have been disciplined for, excessive use of force against individuals in crisis will be presumed ineligible to be specialized CIT officers.¹⁶¹

CDP's Specialized Crisis Intervention Plan was developed by CIT Coordinator Captain James Purcell and was informed by an analysis of CDP Crisis calls for service by district. The plan includes:

- assessment of the number of officers necessary to ensure coverage of all calls for an individual in crisis across all shifts and all Districts;
- description of the procedures for identification of any gaps in coverage;
- mechanisms that the Division will use to fill gaps in coverage;

¹⁵⁹ First Semiannual Report at 43.

¹⁶⁰ Dkt. 7-1 ¶ 152.

¹⁶¹ *Id.* at ¶ 148.

- analysis of barriers to full coverage and possible steps to overcome these barriers; and
- ways to identify officers who may be suitable to be specialized CIT officers.¹⁶²

Following approval by MHRAC, the Specialized Crisis Intervention Plan was submitted to the Court in August 2017.¹⁶³ The Court approved the Plan.

7. Selection of Specialized CIT Officers

Paragraph	Status of Compliance
145. “CDP will provide enhanced specialized training in responding to individuals in crisis to certain officers (‘specialized CIT officers’),” who will be “called upon to respond to incidents or calls involving individuals in crisis.”	PARTIAL COMPLIANCE
146–47. Outlining various requirements for the “enhanced training” for specialized CIT officers of “at least 40 hours.”	PARTIAL COMPLIANCE
148. Designation of specialized CIT officers, per specific, expressly-listed requirements.	EVALUATION DEFERRED
149. “Supervisors will identify and encourage qualified officers across all shifts and all Districts to serve as specialized officers.”	EVALUATION DEFERRED
150. “All Field Training Officers” (“FTO”s) “will receive the enhanced specialized crisis intervention training described in paragraph 146,” though FTOs will “not be designated as a specialized CIT officer” unless they volunteer and have been selected to do so.	EVALUATION DEFERRED
151. “Specialized CIT officers who are dispatched to an incident involving an individual in crisis will have primary responsibility for the scene,” with supervisors “seek[ing] the input of a specialized CIT officer . . . where it is reasonable for them to do so.”	EVALUATION DEFERRED
152. “[T]he Coordinator will develop an effective specialized crisis intervention plan . . . to ensure that a specialized CIT officer is available to respond to all calls and incidents that appear to involve an individual in crisis” that includes various, specific, expressly-identified requirements. The City “will use its best efforts to ensure that a specialized CIT officer responds to all calls and incidents that appear to involve an individual in crisis.”	EVALUATION DEFERRED

The Consent Decree requires that the CIT Coordinator “will be responsible for the selection of appropriate candidates for designation as specialized CIT officers” and “to ensure that officers, call-takers, and dispatchers are appropriately responding to CIT-related calls.”¹⁶⁴ CDP took the lead in developing a selection process for officers as part of the Second-Year Monitoring Plan. CIT Coordinator Captain James Purcell engaged in a series of discussions with MHRAC, the Department of Justice, and the Monitoring Team regarding the appropriate criteria for specialized CIT officer selection.

As a result, the Division has developed a plan for CIT officer selection that has been well-received. The selection plan outlines a three-stage process:

¹⁶² Dkt. 146-2 at 3.

¹⁶³ See Dkt. 146.

¹⁶⁴ Dkt. 7-1 ¶ 141.

- Participation Request;
- Personnel File Review; and
- Selection Board Interview Participation Request.

The Participation Request provides for a systematic set of requirements that include voluntary participation, three years of experience, supervisor recommendations, a history relevant to CIT, and a willingness to handle crisis incidents and divert individuals when feasible.

The Personnel File Review aims to select officers with an impressive CDP record. The review includes an examination of the disciplinary record—including the disposition, nature, and evidence of pattern of behavior—as well as any citizen complaints. The Personnel File Review also considers annual performance evaluations, awards, commendations, and letters that reflect outstanding performance, particularly in CIT-related incidents.

The Selection Board Interview Process is designed to assess motivation, provide insight into an officer's CIT calls and reports, and offer an opportunity to review discipline, awards, and evaluations.

This Selection Plan was reviewed and approved by MHRAC, as well as by the Court in August 2017. The formal selection process will begin this Fall prior to the start of the 40-hour CIT Training.

8. Data Collection

The Division must annually gather and publicly report outcome data for calls and incidents involving individuals in crisis, including:

- Subject's name, age, gender, race, ethnicity, and address;
- Whether the subject was armed, and the type of weapon;
- Name and address of individual calling for service;
- Reason for the interaction, i.e., suspected criminal conduct or call for assistance;
- Name(s) and badge number(s) of the officer(s) on the scene;
- Techniques or equipment officers used; and
- Disposition of the incident.¹⁶⁵

Data will be reported annually and used to identify training needs, trends, successful individual officer performance, necessary changes in strategies, and systemic issues related to crisis intervention response.¹⁶⁶

As the Monitoring Team has previously discussed, CDP's prior reporting system resulted in data that may have been simultaneously over- and under-inclusive. – Information may not have been collected about incidents involving people in crisis when those incidents entailed other enforcement activity. Additionally, information may have been collected about incidents in which the involved subject was not actually in crisis. Further, the manual, pen-and-paper reporting forms – commonly referred to as “stat sheets” – did not have a strong response rate and reported on a narrow range of CDP crisis calls.

¹⁶⁵ Dkt. 7-1 at ¶ 157.

¹⁶⁶ *Id.* ¶¶ 157–58

CDP and the ADAMHS Board agreed that crisis intervention data collection could be improved. The MHRAC's Data Subcommittee developed a Crisis Intervention data form, and CDP integrated the form into proposed changes in the Division's Computer-Aided Dispatch ("CAD") system. Upon successful Division-wide implementation of the new CAD platform, information on CDP interactions with individuals in crisis will be more seamlessly, systematically, and efficiently gathered than before. An electronic system will replace the prior manual process. This will save officers significant time by using pre-populated data fields, eliminating the need to enter and re-enter basic data about the same incident.

9. Quality Improvement Subcommittee

After reviewing CDP's changes to its Crisis Intervention Program, the MHRAC decided to address linkages between crisis intervention and treatment. MHRAC subsequently created a Quality Improvement Subcommittee – drawn from the MHRAC Policy and Data Subcommittees, as well as a range of subject matter experts, advocates, and individuals in recovery – to work with the Division.

The Quality Improvement Subcommittee is designed to assess not only the effectiveness of CDP's CIT policies and Crisis Intervention Plan, but also the gaps in accessing mental health and addiction services. To that end, the subcommittee is tasked with offering specific solutions to issues involving crisis care and follow-up treatment.

The Monitoring Team appreciates the willingness of the ADAMHS Board and their providers to examine how their own system can provide a better system of care. MHRAC and the ADAMHS Board are leveraging changes in the CDP's strategy for crisis intervention to further improve the lives of citizens in need of support in dealing with behavioral crisis events. MHRAC is doing what is necessary to ensure that there are no gaps in the continuum of care, which reduces the need for individuals with mental illness to have further involvement with the criminal justice system. Again, this constitutes the type of dynamic, cross-system problem-solving that illustrates the success of the MHRAC in becoming the hub for addressing behavioral health service delivery issues in Cleveland.

10. Community Engagement

The MHRAC Community Engagement Subcommittee has committed itself to ensuring that community members are well-informed about the CIT Program. This committee has previously developed a resource card for officers to use to refer individuals in crisis to alternative resources. This committee also took on a major role in the initial needs assessment process and provided important linkages with the community throughout the consent decree period. The Community Engagement Subcommittee is now developing a Speakers Bureau and working with the CPC to enhance the MHRAC's outreach efforts. As the CIT 40-Hour Training is completed, this subcommittee will take on an increasingly larger role in the program's success.

Where the Division Stands

Crisis intervention was one of the earliest priorities in the Consent Decree's implementation, and the City of Cleveland has made tremendous progress in this area. Indeed, the Cleveland community can be justifiably proud of its new CIT program.¹⁶⁷ As the Monitoring Team reported in its Fourth Semiannual Report, **the Division's**

¹⁶⁷ Tanisha Anderson's death helped spark needed change in Cleveland police crisis intervention: editorial, *Cleveland.com* (February 23, 2018), http://www.cleveland.com/opinion/index.ssf/2018/02/cleveland_police_has_the_right.html.

new CIT policy has been recognized as a national model of crisis intervention.¹⁶⁸ The Monitoring Team will continue to represent to other jurisdictions that Cleveland's crisis policies are among the best and most-forward looking policies in the country.

In many ways, **the progress that the City has made in the area of crisis intervention is the strongest and most significant of any area of the Consent Decree to date.** The collaboration of a diverse group of stakeholders from across the City, a genuine willingness to critically appraise prior practices, and the strategic adoption of new approaches geared at new outcomes are having tangible benefits for individuals in crisis, police officers, social service providers, and Cleveland residents. This community collaboration has benefitted from the thoughtful participation of individuals who have embraced the charge to look forward to how the police and community can partner and respond differently in the future to get better results for individuals in crisis, police officers, and the community as a whole.

While the progress to date has been impressive from a qualitative standpoint, and the Parties and stakeholders can be proud of the work to date, the Monitoring Team still awaits full and comprehensive quantitative measures that evince improvements in the outcomes of people in crisis. This is not to say that the changes to date have not had a measurable impact on the streets of Cleveland – only that, because of various issues with data collection and tracking details about the Division's interactions with individuals in crisis, it has been challenging to date to come up with a reliable, clear set of measures for identifying effects and trends in the crisis intervention area.

As this report elsewhere makes clear, the full implementation of an updated CAD platform promises to allow officers to report more regularly and efficiently will allow a much better sense of where the Division is on the route to fully complying with the various requirements on responding to individuals in crisis.

Progress and Tasks that Remain

1. Ongoing MHRAC Work

As the Cleveland Division of Police moves into the next stages of Consent Decree implementation, the MHRAC's Diversion Subcommittee will serve an increasingly important role in providing advice and assistance to the Division. The MHRAC Third Annual Workplan provides six goals for the Diversion Subcommittee, which include focusing on utilizing the Crisis Stabilization Unit as a diversion point, identifying diversion points for adolescents, working with the Greater Cleveland Congregations to develop two crisis centers in the county, promoting awareness of new diversion centers, working with behavioral partners to address capacity issues that could impact on timely access to clinical services, and coordinating work with the Veterans Health Administration. These goals are impressive, and completing the tasks involved will have an important impact on those in need of crisis services.

The Community Engagement Subcommittee will continue to strengthen the partnership between the CPD, the ADAMHS Board and the Cleveland community. The subcommittee works to inform the community about the CPD Crisis Intervention Team (CIT) program through implementation of a speakers' bureau, development of

¹⁶⁸ Ballard, C. and Purcell, J. (2017, August). Cleveland Division of Police; Opportunities to Transform Responses to the Community. Presentation at the CIT International Annual Meeting, Ft. Lauderdale, FL.

promotional materials, public forums, the district-specific CPD Community Resource Cards, and a liaison relationship with the Cleveland Police Commission.

2. Data & Compliance Reviews

As with a number of other areas of the Decree, the ability to more comprehensively and smoothly collect and track data depends on the long-awaited upgrade to the Division's mobile computer-aided dispatch ("CAD") system. This will ensure that crisis-related data can be input electronically and easily. Future, formalized assessments will need to explore whether officers are improving their de-escalation skills and seriously considering the process of diversion across time, officers, and incidents. Further, CDP will need to publicly report this outcome data annually and provide it to the Advisory Committee.¹⁶⁹ Separately, the Monitoring Team will need to analyze data and review a material sample of incidents involving individuals in crisis to certify that officers – across time, incidents, and subjects – are complying with the new crisis intervention policies and the requirements of the Consent Decree.

3. In-Service Training Assessment and Continuous Improvement

CDP and MHRAC have successfully implemented in-service training for all officers. The in-service training will continue on an ongoing annual basis. MHRAC's Quality Improvement Subcommittee has begun to review training evaluation feedback to identify potential areas of improvement and iteration, which is a good start in a process of continuous quality improvement. As more data becomes available, CDP will need to conduct formalized assessments of the outcome data to "identify training needs and develop case studies and teaching scenarios for crisis intervention training as well as primary and in-service crisis training curriculum[.]"¹⁷⁰

4. Dispatcher and Specialized CIT Officer Training

Dispatchers will need to receive comprehensive and thorough training so that all CDP personnel that affect the Division's crisis responses are prepared and understand the complex issues relating to mental and behavioral health. The final revision of the Dispatch Crisis Intervention Curriculum is scheduled for completion at the end of this year.

The Department is scheduled to complete the Specialized CIT Training in the second half of 2018. As a result, the selection of Specialized CIT Officers will take place this fall. The 40-Hour Training will allow the department to implement a key provision of the Consent Decree.

As the CAD system of information tracking comes online, the completion of the Dispatch and 40-Hour Training will allow the department to move to an important implementation phase that will consolidate the gains made during the first half of the Consent Decree's implementation. Thus, the latter half of 2018 will play a critical part in allowing CDP to build upon and continue to improve its Crisis Intervention Program.

¹⁶⁹ Dkt. 7-1 at ¶ 158.

¹⁷⁰ *Id.* at ¶ 159.

VIII. SEARCH AND SEIZURE

Paragraph	Status of Compliance
160. “CDP will revise, develop, and implement search and seizure policies that comply with applicable law, . . . include the requirements below,” and conform to expressly-identified principles.	EVALUATION DEFERRED
161–65. Policy requirements for officers for stops, searches, and detentions.	EVALUATION DEFERRED
166. “Officers will immediately notify a supervisor when effectuating a custodial arrest for obstructing official business, resisting arrest, or assault an officer and no other substantive violation is alleged,” and “the supervisor will respond to the scene.”	EVALUATION DEFERRED
167. “Officers will not use ‘canned’ or conclusory language without supporting detail in documents or reports documenting investigatory stops, searches, or arrests.”	EVALUATION DEFERRED
168. “Officers will articulate the justification for an investigatory stop, search, or arrest in a specific and clear manner in their reports.” CDP “will train officers” on documenting stops. “Supervisors will review all documentation of investigatory stops, searches, and arrests.”	EVALUATION DEFERRED
169. Supervisor will review of “each arrest report by officers under their command,” with supervisors reviewing reports for specific, expressly-identified deficiencies.	EVALUATION DEFERRED
170–72. Supervisory review of investigatory stops, searches, and arrests.	EVALUATION DEFERRED
173. Provision of “initial training that is adequate in quality, quantity, scope, and type on investigatory stops, searches, and arrests, including the requirements” of the Consent Decree that “will address the requirements of Fourth Amendment and related law, CDP policies,” and specific, expressly-identified topics.	EVALUATION DEFERRED
174–75. Provision of “annual search and seizure in-service training that is adequate in quality, quantity, type, and scope” incorporating specific, expressly-identified topics.	EVALUATION DEFERRED

Background

The Consent Decree requires that CDP “revise, develop, and implement” policies on how its officers “conduct all investigatory stops, searches, and arrests with the goal” that such actions comply with the “Constitution, state and federal law.”¹⁷¹ In addition to ensuring that officers enforce these legal requirements, the policies also will prohibit officers from relying on a subject’s “race, ethnicity, gender, and perceived sexual orientation” as a reason to stop, search, or arrest an individual.¹⁷²

Under the Decree, CDP officers will be expressly required to inform individuals of their right to decline consent to search (where such agreement is required).¹⁷³ Moreover, where no underlying crimes are alleged and an individual is arrested solely for a crime related to interactions with police, such as resisting arrest and obstructing

¹⁷¹ Dkt. 7-1 ¶ 160.

¹⁷² Dkt. 7-1 ¶ 161; Dkt. 97 at 42.

¹⁷³ Dkt. 7-1 at ¶ 164.

official business, the officer making the arrest is required to notify his or her immediate supervisor so that the superior officer can arrive on scene to assess the situation.¹⁷⁴

The Consent Decree also requires CDP officers to use specific details in reports documenting the events that led to an investigatory stop, search, or arrest without the use of “canned or conclusory statements.”¹⁷⁵ Immediate supervisors and command staff are tasked with reviewing officer reports in a timely fashion to ensure compliance with applicable laws and CDP policies.¹⁷⁶ This review is designed to address any and all violations and deficiencies in the documentation while also authorizing supervisors to recommend corrective and disciplinary action, along with criminal investigation, where appropriate.¹⁷⁷

What Has Been Accomplished to Date

1. Stop Data Infrastructure

Early on, the Parties and the Monitoring Team agreed to defer progress on the Division’s Search and Seizure policies in order to prioritize other areas, such as use of force and crisis intervention. As the Team stated in its First Semiannual Report, the decision to defer consideration of the Search and Seizure policies was not meant to “minimiz[e] the importance of issues related to search and seizure to the Cleveland community” but to coordinate progress on these issues with a comprehensive community policing model (the CPOP Plan) to be developed in 2017 and 2018.¹⁷⁸ It was later planned, under the Court-approved Second-Year Monitoring Plan, to begin work on stops, searches, and seizures in September 2017, which would include time for substantial community engagement and involvement in the policy drafting process.

Meanwhile, other work was done to upgrade the Division’s data infrastructure so that officers could track all investigatory stops in a manner that does not impose substantial inefficiencies. In June 2017, the Parties and Monitoring Team agreed on a working data template, informed by the requirements of the Consent Decree, that would be captured so that necessary work on the CAD upgrade could continue. The Division, working with the DOJ and Monitoring Team, determined that it would be simplest for officers to capture this data and information that it must on stops in the Division’s upgraded CAD environment. Ensuring the implementation of an area within CAD to log search and seizure information has indeed been part of the CAD rollout that is currently underway. Because CAD is a platform that the Division uses to log and address a vast array of law enforcement information, logging stops in CAD will allow officers to navigate these reporting requirements in a context with which they are already familiar and, indeed, must already navigate for other purposes. CDP will periodically reassess the data template to ensure that all necessary information is being captured.

It is currently contemplated that the Division, once the search-and-seizure-related policies are finalized and approved by the Court and officers receive requisite training on both the new policy and reporting requirements, will be positioned to begin using the new CAD system’s stop data area.

¹⁷⁴ *Id.* at ¶ 166.

¹⁷⁵ *Id.* at ¶ 167.

¹⁷⁶ *Id.* at ¶¶ 168-72.

¹⁷⁷ *Id.*

¹⁷⁸ First Semiannual Report at 44.

2. Drafting of Policies

Beginning in Fall of 2017, the Division, Parties, and Monitoring Team have worked through drafts of four related policies: Search & Seizure, Investigative Stops, Probable Cause/Warrantless Arrests, and Miranda Warning and Waiver. As of this writing, the Parties and Monitoring Team continue to collaborate in an effort to refine the policies and align them with legal and Consent Decree requirements. With the Court's approval, the Parties and Monitoring Team agreed to modify the deadlines of the Revised Third-Year Monitoring Plan and will final drafts to the Parties, Monitoring Team, and CPC by August 15, 2018. At that time, the CPC will obtain and summarize community input.¹⁷⁹

3. Community Engagement

In early 2018, the Community Police Commission, led by its Search & Seizure workgroup, began planning for an in-depth community engagement and outreach effort. Because Search & Seizure is a subject area with many legalistic complexities, the CPC made it a priority to inform community members on technical issues to consider before the draft policies became available for public input. This is especially important because search and seizures are directly related to the kinds of everyday enforcement interactions between police and members of the public.

The CPC put together a comprehensive presentation to educate community members on the legal parameters of police encounters, including the Fourth Amendment, voluntary contacts, detention, arrests, and warrantless searches. The March 27 presentation was well-received and shared on the CPC's website and via social media. Subsequently, the CPC prepared a work plan to comprehensively gather community input on CDP's upcoming search and seizure policies, ensuring that feedback is representative of Cleveland's many diverse communities.

During the upcoming 60-day community feedback period, the City will also utilize its District Policing Committees and existing community partnerships to seek input from across Cleveland on the proposed new policies.¹⁸⁰

Where the Division Stands

The Division is nearing the end of the policy creation process in the search and seizure area. Because the CDP has not finalized and implemented new policies or training on search and seizure practices, the Division's search and seizure outcome data cannot be evaluated for outcome assessment purposes. The Monitoring Team is optimistic that data will soon begin to be collected, allowing for the Team to assess compliance with law, policy, and the Consent Decree – as well as real-world outcomes.

Although the Monitoring Team describes the Division's status as "partial compliance" for the various provisions related to search and seizure, the Team observes that this is because the Division is continuing to work diligently toward finalizing policies and training. Ultimately, there is still some distance to travel, however, before the policies and data systems are in place across Cleveland.

¹⁷⁹ Dkt. 203-1 at 14.

¹⁸⁰ See Dkt. 195-1 at 14.

Progress and Tasks that Remain

3. Approval of Policies

After the community feedback period, the Division will consider input and make revisions as necessary and appropriate. Once the Parties and Monitoring Team agree that the policies are complete, the Monitoring Team will submit the policies for the Court's consideration on October 19, 2018. The policies will become effective once all officers have received training on the new expectations that they ultimately contain.

4. Training

The Division has begun initial work on developing training relating to search and seizure so that officer training on new expectations for stops, searches, seizures, and arrests does not lag too far behind completion of new policies. Specifically, the Training Section has worked up a scenario-based training on search and seizure that can form the real-world backbone of the eventual training. This forward-thinking planning is encouraging and will enable the eventual search and seizure training, encompassing policy instruction and opportunities for officers to apply the new policies in real-world scenarios, to be launched and completed in comparatively short order. Following the initial in-service training, the Division is required by the Consent Decree to provide annual search and seizure training.

5. Policy Implementation

As with many other areas of the Consent Decree, the ultimate signal of success is the adherence of officers – across encounters, stops, and interactions; officers; and time – to the requirements of the law, policy, and the Consent Decree. With respect to stops, the Monitoring Team will need, after all patrol officers receive training and the policies become effective, (1) to evaluate the numbers and trends with respect to who is being stopped, under what circumstances, and what the outcomes of those stops are; and (2) to audit a host of stops themselves to determine if officers both had and articulated sufficient legal grounds for any stop, detention, search, and arrest. This will necessarily include evaluation of whether supervisors are adhering to their requirements under the Division's final policies and the Decree.

IX. ACCOUNTABILITY

Paragraph	Status of Compliance
176. “The City and CDP will ensure that all allegations of officer misconduct, whether internally discovered or alleged by a civilian, are fully, fairly, and efficiently investigated; that all investigative findings are supported by a preponderance of the evidence and documented in writing; and that all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair, consistent, and provides due process.”	EVALUATION DEFERRED

A good portion of the Parties’ energy in Cleveland’s Consent Decree process so far has been on developing new rules, procedures, and processes for the Division to do its work; reducing those new expectations to new policies and procedural manuals; and coming up with training programs to instruct officers on the new approaches. For as important as establishing clearly defined expectations and reducing them to writing may be, paper is, proverbially, meaningless unless and until the Division ensures that officers are being held accountable for meeting performance expectations.

The Cleveland Division of Police has long suffered from ineffectual accountability systems. Allegations of officer misconduct frequently proceed through what can appear a dizzying set of investigatory mechanisms only to end up unresolved or insufficiently resolved. In its 2014 investigation, the Department of Justice observed that “the Division’s failure to implement effective and rigorous accountability systems” was “[p]rincipal among the systemic deficiencies that . . . resulted in the pattern or practice [of force].”¹⁸¹

Through the Consent Decree, the City of Cleveland agreed that it will:

[E]nsure that all allegations of officer misconduct, whether internally discovered or alleged by a civilian, are fully, fairly, and efficiently investigated; that all investigative findings are supported by a preponderance of the evidence and documented in writing; and that all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair, consistent, and provides due process.¹⁸²

To do so, the City needed to make comprehensive changes to a host of distinct but overlapping structures and processes: Internal Affairs (“IA”), which will conduct or oversee all investigations of officer performance initiated by individuals within the Division; the Office of Professional Standards (“OPS”), which conducts all investigations of complaints made by individuals outside the Division; the Citizen Police Review Board (“CPRB” or “PRB”), which reviews all OPS investigations and makes recommendations on adjudication and discipline to the Chief of Police; and the process that the Division and City elect to use for reviewing misconduct investigations and imposing discipline, where appropriate. Whether investigated by IA or OPS, and whether involving the PRB or not, all allegations of officer misconduct must be fully, fairly, comprehensively, and timely investigated – and proceed through the same system of adjudication and discipline.

¹⁸¹ DOJ Findings Letter at 4.

¹⁸² Dkt. 7-1 ¶ 196.

A. Internally Discovered Misconduct

Paragraph	Status of Compliance
177. "Internal Affairs will conduct objective, comprehensive, and timely investigations of all internal allegations," with "findings . . . based on the preponderance of the evidence standard" that must "be clearly delineated in policies, training, and procedures and accompanied by detailed examples to ensure proper application by investigators."	EVALUATION DEFERRED
178. "Internal Affairs will be headed by a qualified civilian" who "will report directly to the Chief of Police.	OPERATIONAL COMPLIANCE
179. Qualifications for IA investigators.	EVALUATION DEFERRED
180. Initial training for IA investigators "that is adequate in quality, quantity, scope, and type on conducting misconduct investigations" that addresses specific, expressly-identified topics.	EVALUATION DEFERRED
181. "[A]nnual training" for IA investigators "that is adequate in quality, quantity, type and scope"	EVALUATION DEFERRED
182. "In each investigation, Internal Affairs will collect and consider" all evidence. "[N]o automatic preference for an officer's statement over a non-officer's statement." No disregard of a "witnesses' statement solely because of" connection to the complainant or criminal history. IA investigators must "make all reasonable efforts to resolve material inconsistencies between witness statements."	EVALUATION DEFERRED
183. IA "will evaluate all relevant police activity and any evidence of potential misconduct uncovered during the course of the investigation."	EVALUATION DEFERRED
184. IA will not consider guilty plea or verdict as "determinative of whether a CDP officer engaged in misconduct" or justification for "discontinuing the investigation."	EVALUATION DEFERRED
185. IA "will complete its administrative investigations within 30 days from the date it learns of the alleged misconduct."	EVALUATION DEFERRED
186-87. IA investigative report requirements.	EVALUATION DEFERRED
188. Forwarding of completed IA investigations "to the officers' supervisors, the Training Review Committee, the Force Review Board, the Officer Intervention Program, and the Data Collection and Analysis Coordinator."	EVALUATION DEFERRED
189. "CDP will require any CDP employee who observes or becomes aware of any" potential misconduct to "report the incident to a supervisor or directly to" IA.	EVALUATION DEFERRED
190. "CDP will develop a system that allows officers to confidentially and anonymously report potential misconduct by other officers."	EVALUATION DEFERRED
191. "CDP will expressly prohibit all forms of retaliation, discouragement, intimidation, coercion, or adverse action, against any person, civilian or officer, who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct."	EVALUATION DEFERRED
192. "Officers who retaliate . . . will be subject to the disciplinary process."	EVALUATION DEFERRED

Background

The Department of Justice’s 2014 investigation concluded that the Division’s Internal Affairs Unit (“IA”) did not conduct thorough and objective investigations of internal allegations of officer misconduct.¹⁸³ At that time, what CDP had historically called Internal Affairs was housed within the Division’s Bureau of Integrity Control. The Bureau consisted of two parts: an Inspections Unit and Internal Affairs. By policy, IA had been responsible for conducting primarily criminal investigations of potential officer misconduct and investigating any incidents specifically directed to it by the Chief of Police. The Inspections Unit, meanwhile, was charged with conducting inspections designed to maximize the performance of police personnel by securing compliance with Division rules, regulations, policies, and procedures. Although the full scope of its activities was not exhaustively inventoried in CDP policy, the Monitoring Team understood that Inspections had historically addressed “low-level” issues, such as uniform violations, tardiness concerns, or various logbook audit requirements.¹⁸⁴ Typically, unless a non-criminal administrative investigation for the potential violation by an officer of the Division’s policy had been specifically referred to IA by the Chief, the investigation occurred elsewhere—whether within the involved officer’s chain of command or, less frequently, by some element (not clearly defined in current CDP policy) within the Inspections Unit.

Consequently, before the Decree became effective, the DOJ had observed members of CDP’s staff “express[] confusion about which [accountability] mechanism is responsible for carrying out which particular duties and why.”¹⁸⁵ In the two and a half years since the Team began monitoring implementation of the Decree, the Team has observed that same confusion among Division rank-and-file, particularly regarding the difference between an OPS investigation and an IA investigation. The Team has received “different answers at different times to inquiries about how, if a patrol officer believed that a colleague engaged in possible misconduct, and precisely where that officer should refer the misconduct complaint and what internal entity would be responsible for investigating.”¹⁸⁶ The Division’s existing policies failed to clearly explain its internal accountability system’s responsibilities.

Under the Decree, “Internal Affairs will conduct objective, comprehensive, and timely investigations of internal allegations of officer misconduct.”¹⁸⁷ The term “misconduct” refers to “*any* improper conduct by an officer, including an alleged violation of CDP policy, procedure, regulations, orders, or other standards of conduct required of City employees including the improper use of force[,]” with the exception of certain “minor infractions.”¹⁸⁸ CDP officers will have an affirmative obligation, under CDP policy, when they “observe[] or become[] aware of any act of misconduct by another employee to report their incident to a supervisor or directly to Internal Affairs.”¹⁸⁹ Division policy “will expressly prohibit all forms of retaliation, discouragement, intimidation, coercion, or adverse action, against any person . . . who reports misconduct[.]”¹⁹⁰

¹⁸³ 2014 Findings Letter at 34.

¹⁸⁴ See First Semiannual Report at 45-46.

¹⁸⁵ DOJ Findings Letter at 34.

¹⁸⁶ First Semiannual Report at 46.

¹⁸⁷ Dkt. 7-1 at ¶ 177.

¹⁸⁸ *Id.* at ¶ 438 (emphasis added).

¹⁸⁹ *Id.* at ¶ 189. Such reporting may be confidential or anonymous.

¹⁹⁰ *Id.* at ¶ 191.

Thus, although the Decree preserves a clear role for the Inspections Unit—or, more accurately, a dedicated wing of the newly-created Bureau of Compliance, which will address a specifically-identified category of “minor infractions”¹⁹¹—Internal Affairs must be the primary engine for the Division’s administrative (non-criminal) investigations of officer misconduct and, more generally, the main oversight mechanism for ensuring that the Division’s performance standards are being met.

What Has Been Accomplished

1. Initial Drafting of IA Policies

The Consent Decree requires CDP and the City to have in place both the mechanisms and defined policies pertaining to the investigation of misconduct that is discovered within the Department. As noted above, the entity within the Division tasked with conducting administrative investigations of allegations of CDP misconduct is the Internal Affairs Unit.

In November 2016, CDP provided an initial draft of an IA policy manual, and related policies. Although a solid start, the draft required extensive revisions in order to comply with the Consent Decree and to accord with nationally identified best practices. The Parties subsequently agreed to defer work on the IA Manual while the Monitoring Team completed its initial assessment of 2015 Internal Affairs cases, summarized below, and until after a new IA Superintendent could be identified and assist in the process of overhauling how IA works.

2. Monitoring Team’s Assessment of 2015 IA Cases

In order to “gauge the depth and scope of the reforms that must be implemented with respect to IA[,]” the Monitoring Team elected to engage in a substantial qualitative review of prior IA investigations.¹⁹² In the Fall of 2016, the Monitoring Team, led by team members with extensive experience in Internal Affairs and the investigation of citizen complaints, assessed the Division’s IA investigations in light of the Decree’s requirements and generally-accepted law enforcement practices.

Team members selected a statistically-significant, random sample of IA cases from 2015, which intentionally “over-sampled” cases involving the use of force (n=45). CDP provided the Monitoring Team with full IA files via a portable hard drive that included video, photos, and all written reports. Team members were divided into random pairs in order to review each investigative file, with the individual pairs varying from case to case.

The assessments were completed in late March 2017. Overall, the Team found that a majority (53%) of the Division’s 2015 investigations were of either fair (33%) or poor (20%) quality. Significant pieces of relevant data were missing from investigative files and the Team was unable to determine whether the files were transmitted with the data inadvertently not included, or if the data never existed.

A comprehensive discussion of the Team’s assessment can be found in its Third Semiannual Report.¹⁹³ Among the major findings:

¹⁹¹ See Dkt. 7-1 at ¶ 438.

¹⁹² Third Semiannual Report at 41 (quoting Dkt. 120-1 at 31).

¹⁹³ Third Semiannual Report at 41-46.

- Civilian complainant interviews had much room for improvement. The Team noted inadequate questioning, inconsistencies that were not adequately addressed, relevant questions left unanswered during the interview, and concerns about the interviewer’s demeanor. Other cases featured questioning by investigators that was incomplete to adequately cover the implicated facts, allegations, and standards.¹⁹⁴
- Witnesses making complaints about officer conduct were required to sign a document warning them that making false allegations of peace officer misconduct is a punishable crime under the Ohio Revised Code.
- IA Interviewers inappropriately raised the issue of not pursuing a complaint or prosecution while interviewing civilian complainants, possibly chilling some complainants’ further participation.
- Where CDP employees were interviewed as possible witnesses to an event, they were generally not audio-recorded, video-recorded, or even transcribed.

The Monitoring Team’s assessment of 2015 IA cases were consistent with many of the DOJ’s findings in 2014 and reinforced the need for the Division’s IA function to be substantially overhauled.

3. IA Superintendent Recruitment & Hiring

The Consent Decree provides that “Internal Affairs will be headed by a qualified civilian who is not a current or former employee of CDP, and who is not a current or retired law enforcement officer.”¹⁹⁵ This civilian head of IA is to report directly to the Chief of Police. This reorganization of IA—along with a new policy and procedural manual for IA, increased cooperation between IA and OPS, and a new FIT manual—is intended to build a foundation for high-quality, fair, objective, timely, and thorough administrative investigations.

In early February 2016, CDP, with input from the Parties, Monitoring Team, and CPC, began recruitment of a civilian IA Superintendent. By December 2016, no suitable candidate had been identified to serve in the position. Many of the applicants who responded to the Division’s initial recruitment were, indeed, current and former “law enforcement officers,” a term which was taken to include non-police officers who nonetheless had formal authority as an officer of the law, such as a local or federal prosecutor—something expressly prohibited by the terms of the Consent Decree to which DOJ and the City previously agreed.

Subsequently, the Division began a second round of IA Superintendent recruitment in January 2017. By April 2017, potential candidates were being vetted for initial interviews. By the end of April, CDP reported that none of the potential candidates who were vetted were ultimately qualified for the position.

Given the struggles to recruit a suitable candidate and the real need to fill a position with some urgency, the Parties and Monitoring Team agreed to recommend to the Court that it modify the Decree’s requirement and allow former law enforcement officers, including retired and former prosecutors, federal investigators and officers from departments other than the CDP, to be considered for the position.¹⁹⁶

In June 2017, after the Court approve the change, the City began advertising a new posting for the IA Superintendent position, this time not expressly precluding a current or former law enforcement officer from

¹⁹⁴ *Id.* at 44.

¹⁹⁵ Dkt. 7-1 ¶ 178.

¹⁹⁶ The court formally approved this modification to the Decree in early 2018.

applying. In February 2018, former federal prosecutor Ronald Bakeman was hired by the City as the new Internal Affairs Unit Superintendent.

The Monitoring Team is hopeful that Mr. Bakeman's stewardship will help orient Internal Affairs on the right path forward. Since his start, Mr. Bakeman immediately began working with the Parties and the Monitoring Team on finalizing long-awaited documents such as the revised IA Manual, the FIT manual, and other IA-related policies. Mr. Bakeman has also begun work on improving the working relationship between IA and the Office of Professional Standards.

4. Continued Drafting of IA Policies

After the Monitoring Team completed its assessment of 2015 IA cases and while the CDP was searching for a qualified IA Superintendent, the Parties reconvened to create an IA policy manual and revise IA-related policies in order to comply with the Consent Decree's requirements.

Although it was initially anticipated that the IA policy manual and additional IA-related policies would be completed by the end of February 2018, significant additional work was required. The IA-related policies currently under development include policies which will ensure compliance with paragraphs 189 (reporting of misconduct), 190 (anonymous reporting of complaints), and 191 (prohibition of retaliation) of the Consent Decree. In addition, the IA manual is expected to bring consistency and cooperation between IA and OPS.

The work of the current reporting period has focused on creating policies and procedures to guide Internal Affairs investigations. Because the Force Investigation Team ("FIT Team") is part of the IA structure, the Monitoring Team, the Division, and the Department of Justice have collaborated to finalize the structure of the FIT Team and how it will relate to IA and the proposed new Bureau of Compliance (a new bureau from which IA will be structurally and functionally separate).

Where Internal Affairs Stands Now

The Monitoring Team intends to give the new Superintendent the opportunity to internally improve IA processes and procedures before conducting qualitative analyses on current IA investigative practices. The Monitoring Team anticipates beginning a subsequent round of qualitative analysis later this year – to evaluate whether 2018 cases appear to represent an improvement to the 2016 evaluation of 2015 cases that the Team previously conducted.

On a host of fronts, the Monitoring Team's overall summary of the state of compliance at the start of this section is "evaluation deferred" because, although the Division still needs to cover much ground to reach compliance with the particular requirements of the Decree, CPD and the new IA leadership are continuing to make good-faith efforts to finalize policies, procedures, and protocols related to administrative investigations.

Progress and Tasks that Remain

1. Completion & Approval of IA Policies

Significant work remains for the CDP to comply with the Decree's many IA-related requirements and to align with law enforcement investigatory best practices. Most fundamentally, the Division must complete several IA policies, including the IA Manual, to establish the rules and protocols that will guide IA staff and investigators in all IA investigations going forward.

2. IA Training

Upon completion and implementation of these manuals and policies, the Division must provide initial and annual training to all new and existing personnel "that is adequate in quality, quantity, scope, and type on conducting misconduct investigations."¹⁹⁷ This training must address fundamental topics including:

- "investigative skills, including proper interrogation and interview techniques; gathering and objectively analyzing evidence; and data and case management;
- "the particular challenges of administrative police misconduct investigations, including identifying alleged misconduct that is not clearly stated in the complaint or that becomes apparent during the investigation;
- "properly weighing the credibility of civilian witnesses against officers;
- "using objective evidence to resolve inconsistent statements;
- "the proper application of the preponderance of the evidence standard; and
- "CDP rules and policies, including the requirements of this Agreement, and protocols related to administrative investigations of alleged officer misconduct."¹⁹⁸

The training will be critical in improving the quality of IA investigations. Monitoring Team members have observed and reviewed many IA investigations. Even after receiving technical assistance, IA investigators have some distance to travel to ensure that all IA investigations are fair, thorough, complete, objective, and timely.

The Monitoring Team expects Mr. Bakeman's foremost priority, in the immediate future and at least for the remainder of the Consent Decree's term, will be managing his staff such that IA "will conduct objective, comprehensive, and timely investigations of all internal allegations," with "findings . . . based on the preponderance of the evidence standard" that must "be clearly delineated in policies, training, and procedures and accompanied by detailed examples to ensure proper application by investigators."¹⁹⁹

3. Compliance with Policies, Protocols, and Procedures

Ultimately, a sufficiently material set of CDP IA investigations – from across time, investigators, and incidents – need to be fair, thorough, objective, and timely in the manner that the Decree requires that the IA policies and Manual likewise mandate. As with many other areas that are the focus of the reform process, sporadically high-quality investigations amid generally poor-quality investigations, or occasionally bad investigations among

¹⁹⁷ Dkt. 7-1 at ¶¶ 180-81.

¹⁹⁸ *Id.*

¹⁹⁹ Dkt. 7-1 at ¶ 177.

generally good ones, is not sufficient to establish compliance. Instead, it is the sustained adherence to the high standards of the Decree and policy that will set the occasion for substantial and effective compliance.

B. Office of Professional Standards (“OPS”)

Paragraph	Status of Compliance
193. OPS “investigate[s] all civilian complaints it receives, other than those that allege criminal conduct,” which are referred to IA. Excessive force complaints generally retained by OPS. IA investigations referred back to OPS if “determination is made that no criminal conduct occurred.”	PARTIAL COMPLIANCE
194. “The City will ensure that OPS is led by an administrator with the skills, expertise, and experience to effectively manage the intake, tracking, timely, and objective investigation of complaints”; implement PRB training; “assess OPS’s equipment and staffing needs”; and “develop and implement performance standards for OPS.”	OPERATIONAL COMPLIANCE
195–96. Initial training for OPS investigators “adequate in quality, quantity, scope, and type,” including specific, expressly-listed topics.	PARTIAL COMPLIANCE
197. “OPS Investigators will not be current members of the CDP, and no CDP personnel will have any active role in OPS’s operations.”	OPERATIONAL COMPLIANCE
198. “The City will ensure that the lawyer representing OPS does not have any actual or apparent conflicts of interest.”	OPERATIONAL COMPLIANCE
199. “OPS will have its own budget, separate from . . . the Department of Public Safety” that “affords sufficient independence and resources, including sufficient staff and training to meet the terms of this Agreement.”	EVALUATION DEFERRED
200. Development and implementation of OPS operations manual “made available to the public” that covers specific, expressly-listed topics.	OPERATIONAL COMPLIANCE
201. Development and implementation of “a program to promote awareness through the Cleveland community about the process for filing complaints with OPS.”	NON-COMPLIANCE
202. “CDP and the City will work with the police unions . . . to allow civilian complaints to be submitted to OPS verbally or in writing; in person, by phone, or on line; by a complainant, someone acting on his or her behalf, or anonymously; and with or without a signature from the complainant,” with all “complaints documented in writing.”	OPERATIONAL COMPLIANCE
203. “CDP will post and maintain by the intake window at CDP headquarters and all District headquarters a permanent placard describing the civilian complaint process” and containing specific, expressly-listed information.	OPERATIONAL COMPLIANCE
204. “CDP will provide training that is adequate in quality, quantity, scope, and type to all police personnel, including dispatchers, to properly handle complaint intake, including” with respect to specific, expressly-listed topics.	PARTIAL COMPLIANCE
205. CDP officers “carry complaint forms in their CDP vehicles,” which officers must provide “upon request.” Supervisors will be dispatched to scene when an individual wants to make a complaint, with the supervisor providing a copy of completed complaint form “or a blank form to be completed later by the individual.”	EVALUATION DEFERRED

206. "The City and OPS will make complaint forms and other materials outlining the complaint process and OPS's contact information available at locations" including a number of specific, expressly-listed locations.	PARTIAL COMPLIANCE
207. "OPS's complaint form will not contain any language that could reasonably be construed as discouraging the filing of a complaint, including warnings about the potential criminal consequences for filing false complaints."	OPERATIONAL COMPLIANCE
208. Availability of complaint forms in English and Spanish. "OPS will make every effort to ensure that complainants who speak other languages . . . can file complaints in their preferred language."	OPERATIONAL COMPLIANCE
209. "City will ensure that civilian complaints submitted through other existing systems, including the Mayor's Action Center and the Department Action Center, are immediately forwarded to OPS for investigation."	OPERATIONAL COMPLIANCE
210. "OPS will establish a centralized electronic numbering and tracking system for all complaints," which "will maintain accurate and reliable data regarding the number, nature, and status of all complaints . . . including investigation timeliness and notification of the interim status and final disposition of the complaint." It "will be used to monitor and maintain appropriate caseloads for OPS investigators."	EVALUATION DEFERRED
211. Biased policing tracked as a separate category of complaint that "are captured and tracked appropriately, even if the complainant does not so label the allegation."	EVALUATION DEFERRED
212. "[A]llegations of unlawful investigatory stops, searches, or arrests" tracked as a separate category of complaints.	EVALUATION DEFERRED
213. "[A]llegations of excessive use of force" tracked as separate category of complaints.	EVALUATION DEFERRED
214. "OPS will conduct regular assessments of the types of complaints being received to identify and assess potential problematic patterns and trends."	NON-COMPLIANCE
215. "OPS will produce, at least annually, a public report summarizing complaint trends, including" with respect several specific, expressly-identified areas.	PARTIAL COMPLIANCE
216. Assignment of complaints to Standard and Complex investigatory tracks.	OPERATIONAL COMPLIANCE
217. Dismissal and/or administrative dismissal of complaint investigations.	OPERATIONAL COMPLIANCE
218. "OPS will ensure that investigations of complaints are as thorough as necessary to reach reliable and complete findings that are supported by the preponderance of the evidence."	PARTIAL COMPLIANCE
219. "CDP will ensure that OPS has timely access to all reports related to the incident . . ." and authority of OPS "to conduct additional investigation" of civilian complaint when CDP investigation has already taken place relating to the incident.	EVALUATION DEFERRED
220. "OPS investigators will attempt to interview each complainant in person" and record the interview.	PARTIAL COMPLIANCE
221. "The Chief will order officers who witnessed or participate in an incident that is the subject of an OPS complaint to cooperate with the OPS investigation," including by responding to written questions or sitting for an in-person interview.	OPERATIONAL COMPLIANCE
222. "OPS investigators will have access to any relevant disciplinary information in the record of an officer who is the subject of a current investigation."	EVALUATION DEFERRED

223. “OPS will consider all relevant evidence,” with no preferences for particular witness’s statements, including of officer over a non-officer, or because of connection to complainant or criminal history. “OPS will make all reasonable efforts to resolve material inconsistencies between witness statements.”	EVALUATION DEFERRED
224. OPS findings categories.	OPERATIONAL COMPLIANCE
225. “OPS will document in writing the investigation of each complaint, including all investigatory steps taken, and OPS’s findings and conclusions,” which must “be supported by a preponderance of the evidence.	PARTIAL COMPLIANCE
226. Items for consideration for OPS findings.	PARTIAL COMPLIANCE
227. “OPS will forward all investigations and its written conclusions to PRB in sufficient time for PRB to consider them no later than the second regularly scheduled PRB meeting following completion of the investigation.”	NON- COMPLIANCE
228. “OPS will send periodic written updates” to the complainant at specific, expressly-identified junctures.	EVALUATION DEFERRED
229. “[A] complainant may contact OPS at any time to determine the status of his/her complaint.”	EVALUATION DEFERRED

Background

To properly ensure that officers are held to account for violations of policy and law, police departments need a credible and transparent system for investigating civilian complaints of misconduct. In Cleveland, the Office of Professional Standards (“OPS”) is the civilian-staffed office charged with investigating the complaints of civilians and Cleveland residents about Division of Police personnel. The City Charter requires OPS to conduct “a full and complete investigation” of all citizen complaints of employee misconduct.²⁰⁰

While CDP has policies that articulate OPS’s mission and lay out procedures and protocols for the investigation of civilian complaints, the DOJ’s 2014 investigation found that “the reality falls far short of the written policies on these matters.”²⁰¹ DOJ’s review found that “CDP’s investigations are neither timely nor thorough, that civilians face a variety of barriers to completing the complaint process, and that the system as a whole lacks transparency.”²⁰²

Notably, the DOJ’s investigation followed a previous investigation of CDP that occurred ten years earlier in 2004. OPS’s problems then—understaffing, a lack of guidance and resources for investigators, prolonged investigations, poor civilian access to the complaint process—remained in 2014, and in some cases worsened.²⁰³ These deficiencies included “impossibly high caseloads for investigators, the inappropriate and premature rejection of civilians’ complaints, substandard investigations, significant delays in completing investigations, and the failure to document and track outcomes.”²⁰⁴

²⁰⁰ Charter of the City of Cleveland, § 115-4.

²⁰¹ DOJ Findings Letter at 38.

²⁰² *Id.* at 38.

²⁰³ *Id.* at 39.

²⁰⁴ *Id.*

What Has Been Accomplished To Date

1. Initial Drafting of the OPS Manual

One of the earliest priorities was the development of a “revised operations manual” that would include, among other things, a mission statement; detailed investigative, report-writing, and evidence collection procedures; procedures “outlining when complaints may be administratively dismissed” and a process for “ensur[ing] that complaints are not prematurely or unnecessarily dismissed”; defined procedures, duties, and practices for the PRB; and the system of “dispositions and outcomes” to be used by OPS and PRB.²⁰⁵

The City provided the Monitoring Team an initial, short draft Manual in early 2016 that was “deficient in every regard.”²⁰⁶ “[T]he draft Manual lacked rigor, contained inaccurate information, failed to address numerous Consent Decree requirements, and omitted a host of material details.”²⁰⁷ Further, it did not reflect clearly-stated requirements found in the Decree. Worse, it failed to impose even the most basic requirements for investigations to be fair, thorough, objective, complete, and timely.

As work continued on the OPS Manual, it became clear to the Parties and the Monitoring Team that, before an effective Manual that codified how OPS would investigate civilian complaints—in a manner that satisfied the Decree’s requirements and conformed with investigatory best practices— could be contemplated, a comprehensive assessment needed to be conducted to determine how OPS was currently functioning, why few cases were investigated, and what specific reforms needed to be expedited to ensure both that new complaints of officer misconduct would be fairly adjudicated and that the backlog of incomplete investigations would be addressed.

2. Monitoring Team’s Organizational Assessment of OPS

In May 2016, Monitoring Team members set out to identify the causes of the deficiencies that have crippled OPS’s efficiency and to provide the technical assistance necessary to overhaul the agency’s day-to-day operations in order to substantially improve OPS’s ability to meet its Charter-defined purpose and deliver services to the satisfaction of the residents of Cleveland.

The Monitoring Team began interviewing OPS staff in order to understand how complaints were received, evaluated, investigated, concluded, and ultimately resolved through the Police Review Board hearing process. During these interviews, investigators expressed frustration at the backlog of cases and concerns about “depleted investigative resources, the absence of clear and consistent guidelines that would establish a uniform framework for investigations, and the difficulty in obtaining timely access to relevant materials that were retained by the CPD or other entities, both private and public.”²⁰⁸ It was clear to the Monitoring Team that “OPS had fallen into a state of dysfunction and ineffectiveness that warrants immediate corrective action.”²⁰⁹

²⁰⁵ Dkt. 7-1 at ¶¶ 199-200.

²⁰⁶ First Semiannual Report at 47.

²⁰⁷ *Id.*

²⁰⁸ Second Semiannual Report at 44.

²⁰⁹ *Id.*

3. Completion of Provisional Operations Manual and New Complaint Intake Form

Following its organizational assessment of OPS, the Monitoring Team, working with the City and DOJ and pursuant to a series of working sessions with OPS and Consent Decree stakeholders, assembled a Provisional Operations Manual for OPS, outlining step-by-step guidelines for the intake, investigation, and resolution of citizen complaints. This interim manual was designed to guide the reception of civilian complaints in a systematic manner before the Republican National Convention was held in Cleveland. The Provisional Manual became effective on July 15, 2016.

In tandem with the Provisional Operations Manual, the Monitoring Team developed a new, comprehensive intake form to capture every civilian contact with OPS. Under the new intake form, every contact that OPS had with a constituent, regardless of whether that contact results in a full-blown OPS investigation, can be captured.

4. Completion of Comprehensive New OPS Manual

In the remainder of 2016 and into 2017, the Parties set out to formalize the Provisional Manual into a more detailed, permanent document that not only met the requirements of the Consent Decree, but that “reflects the organizational mission and values of OPS, clearly defines its organizational structure and detailed job functions, identifies and describes with clarity those matters in which the office has investigative authority, and provides a thorough, comprehensive, and rigorous step-by-step review of how complaints of misconduct are accepted, assessed, documented, tracked, investigated, periodically reviewed, concluded, and ultimately forwarded to the Police Review Board for review and adjudication.”²¹⁰

The OPS Manual, described at length in the Team’s Second Semiannual Report,²¹¹ became effective April 6, 2017. Among other things, the OPS Manual now covers, among other things:

1. An enhanced mission and values statement;
2. The types of misconduct complaints over which OPS has jurisdiction;
3. The general intake process;
4. The variety of mechanisms through which civilians may make complaints;
5. Specific instruction to OPS personnel on initiating, planning, conducting, and completing fair and comprehensive investigations of complaints;
6. Criteria for the “Standard” and “Complex” complaint investigations; and
7. The specific duties and tasks of OPS personnel.²¹²

5. Backlog Reduction Plan

As the Monitoring Team and DOJ’s technical assistance needed to become progressively more expansive, it became apparent that “[t]he foundational deficiencies associated with OPS [were] more significant and more urgent” than the Monitoring Team and Parties had understood in early 2016.²¹³ An initial review found that “a

²¹⁰ Second Semiannual Report at 45.

²¹¹ See Second Semiannual Report at 45-48.

²¹² *Id.*

²¹³ First Semiannual Report at 47.

staggering number of OPS cases[,]” including 202 from calendar year 2014 and 225 cases from calendar year 2015, unresolved.²¹⁴ The Monitoring Team concluded that “[t]he state of OPS is dire.”²¹⁵

The Monitoring Team requested that OPS prepare a plan to address the backlog of uninvestigated, incomplete, or unresolved complaint investigations. What the Team continually received were “cursory and highly minimalistic documents” that were “patently insufficient in all respects and, in form and content, not serious proposals.”²¹⁶ To resolve these failures, the Second-Year Monitoring Plan required OPS to submit a detailed plan outlining how it would use available resources to efficiently address the current backlog while also competently addressing incoming complaints.²¹⁷ Once again, what the Monitoring Team received from OPS was inadequate, providing “no concrete steps to be taken, no specific timelines, and no particular methodologies for reducing the backlog.”²¹⁸

In the June 2017 Third Semiannual Report, the Monitoring Team reported a continuing unacceptable backlog of investigations and disposition letters of some 383 cases.²¹⁹ Specifically, OPS internal reports identified a host of foundational issues, with cases closed without notice, not forwarded as appropriate to Internal Affairs, and cases identified for low-level supervisory review left unaddressed but pending for nearly a year.²²⁰ “Most troubling” was OPS’s failure to forward cases involving recommendations for “sustained” findings from the PRB to the Chief’s Office so that the Chief might consider the case and issue ultimate findings.²²¹ As the Team described in its Third Semiannual Report, “[t]he message sent to the residents of Cleveland is that even if an allegation of misconduct against a Cleveland police employee is investigated and misconduct is identified, there can be no expectation that action will be taken with respect to that complaint. . . . [T]he failure of the OPS administration to ensure this core function is performed is not acceptable.”²²²

The DOJ and Monitoring Team took on the task of creating a Backlog Reduction Plan, a framework for OPS to address the serious backlog of investigations. The final plan created two “teams” within the office. The first, the “Ongoing/Expedited Investigation Team,” was tasked with completing all complaint investigations filed after January 1, 2017. This team was also responsible for managing all complaints pending pre-Disciplinary hearings to be conducted by the Chief of Police or Director of Public Safety and administered cases pending CRB hearings and cases pending with CDP’s Internal Affairs.

The second team, the “Backlog Reduction Team,” was responsible for completing all investigations filed prior to January 1, 2017, including those cases pending “supervisory review” with the Division.

Although the Backlog Reduction plan became operational in May 2017, it became clear by the end of the summer of 2017 that without the creation of specific milestones for OPS to deliver by the end of the 2017 calendar year, it was unlikely that sufficient progress would be made during the reporting period.

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ Second Semiannual Report at 47-48.

²¹⁷ Dkt. 120-1 at 16.

²¹⁸ Third Semiannual Report at 50.

²¹⁹ *Id.* at 48.

²²⁰ *See id.* at 48-49.

²²¹ *See id.* at 49.

²²² *Id.*

6. Benchmark Requirements and November 2017 Court Hearing

As such, the Parties and Monitoring Team agreed to specific milestones, which were filed with the Court on August 30, 2017 and formally approved.²²³ The milestones were reasonable and manageable steps towards reducing the backlog of civilian complaints. They were also a valuable exercise by which OPS could learn how to enhance its productivity and change the investigatory procedures that had failed civilians who wished to bring complaints against CDP personnel. The milestones did not “replace, supplant, or amend any obligations under the Consent Decree or the Second-Year Monitoring Plan . . . [Rather,] the milestones [were] intended to provide specific, measurable guideposts to assist OPS in meeting existing requirements.”²²⁴

As outlined more fully in the Fourth Semiannual Report, the milestones required OPS to achieve certain goals over the rest of the 2017 calendar year, including but not limited to:

- By September 30, 2017, OPS would complete all pending disposition letters relating to complaints made from 2014 through 2016.²²⁵
- By October 1, 2017, OPS would complete findings letters (letters to the Chief of Police relating to cases sustained by the Police Review Board) for at least half of the identified outstanding cases. Findings letters for all cases were to be completed by November 1, 2017. Going forward, any new findings letters were to be completed within fourteen (14) calendar days of the PRB issuing a finding. The letters were to be sent contemporaneously to the Chief’s Office and the Parties.²²⁶
- By December 31, 2017, all remaining investigations of complaints that were made in 2014 and 2015 would be completed, amounting to a nearly 50% reduction in the backlog of pre-2016 complaint investigations that presently remain open.²²⁷
- By December 31, 2017, OPS will complete 50% of all remaining investigations of complaints that were made in 2017 as of August 30, 2017.²²⁸
- For all open investigations, an investigation could not be certified as complete unless all identified material witnesses who are not unavailable have been interviewed, or have not responded to three contact attempts.²²⁹
- For all open investigations, all investigatory interviews, whether of officers, complainants, or witnesses, will be audio-recorded.²³⁰

After consultation with the Court, OPS, the Parties, and the Monitoring Team understood that the failure by OPS to achieve these benchmarks would cause the Court to require the City to provide a detailed accounting of why the various milestones were not achieved. By October 6, 2017, the Monitoring Team advised the City and the Court that OPS was not in compliance with the benchmarks. OPS, the Parties, and the Monitoring Team appeared before the Court on November 21, 2017 to discuss OPS’s continuing struggles.

²²³ See Dkt. 150.

²²⁴ *Id.* at 1.

²²⁵ *Id.*

²²⁶ *Id.* at 4.

²²⁷ *Id.* at 2.

²²⁸ *Id.* at 2-3.

²²⁹ *Id.* at 4-5.

²³⁰ *Id.* at 5.

Since then, in an attempt to bring OPS into compliance, the City took a number of significant steps. On December 15, 2017, the City submitted an updated Backlog Reduction Plan for dealing with the ongoing backlog as ordered by the Court. OPS began recruiting a new OPS Administrator and advertising a new OPS Supervising Investigator position. The City initiated a process aimed at contracting with a third-party firm to eliminate the backlog of OPS investigations received prior to December 1, 2017. OPS investigators were equipped with Body Worn Cameras to ensure video recording of OPS interviews. Finally, the Division began providing CDP training to OPS and the PRB so that investigators could understand the policies and expectations put on officers—primarily in the area of use of force.

7. OPS Staffing and Budgeting

In 2016, the City developed a full OPS budget for 2017. As previously reported, the Monitoring Team initially declined to either approve or disapprove of the full OPS budget for 2017, instead providing short-term, provisional approval of the budget through the first quarter of the year. The Monitoring Team was concerned that the proposed OPS budget failed to provide for a permanent solution to OPS resource issues, instead relying substantially on “temporary investigators” to reduce the backlog of cases.

During the first six months of 2016, the City approved the hiring of two new permanent investigators and six new temporary investigators. By the end of April 2017, all investigative positions had been hired. The Monitor reported this as “an encouraging development that gives OPS more resources than it has had during the past several years to both address the backlog of incomplete investigations and ensure that new complaints brought to the office are fully and fairly investigated in a timely manner.”²³¹

The 2018 budget submitted by OPS requested that the temporary investigator positions be funded through at least the first half of 2018. In addition, the budget includes two new full-time positions: a Community Relations Ombudsman and a Supervising (or Chief) Investigator. As previously reported, the Monitoring Team believes that both positions are essential to the possibility of OPS’s success.

In the current reporting period, a Supervising Investigator has been hired and began work in April 2018. Unfortunately, the hiring of a Community Relations Ombudsman was delayed after an incorrect posting was made by the Civil Service Commission, which required the recruitment process to begin anew.

8. City Negotiations with Police Union Regarding OPS Practices

As previously reported and identified in the DOJ’s investigation of the CDP, the then-current, voluntary agreement between the City and the Cleveland Police Patrolmen’s Association (“CPPA”) provided that “[a]ll complaints filed by a citizen against [officers] shall be submitted by the complainant in his or her own handwriting.” The Decree required that the City “work with the police unions . . . to allow civilian complaints to be submitted to OPS verbally or in writing; in person, by phone, or on[-]line; by a complainant, someone acting on his or her behalf, or anonymous; and with or without a signature”²³² As such, the Court-approved OPS Manual

²³¹ *Id.* at 51-52.

²³² Dkt. 7-1 ¶ 217.

now provides that “[a] signed complaint form is NOT required for any further action to be taken by OPS in an effort to resolve the constituent’s complaint”²³³

The Monitoring expected “the City and CPPA [to] work expeditiously to ensure that the provisions of the Consent Decree, generally-accepted practice, and compliance with the ADA and equivalent Ohio state law are harmonized with the CPPA Contract.”²³⁴ In early 2018, after extensive negotiations and arbitration, the City and CPPA reached an agreement on a contract. The Monitoring Team was pleased to report that the contract with the police union included a provision to rectify this deficiency, and that the City is now in “operational compliance” with this specific requirement of the Decree.

9. OPS Annual Report

Paragraph 215 of the Consent Decree requires OPS to produce an annual report summarizing complaint trends and timeframes for the public. OPS completed its 2016 annual report (the first in five years) and posted it on its website on August 22, 2017. Although OPS did not publish the report within the period required by its Court-approved policy manual, the publication of the report was a positive step towards transparency with respect to OPS complaint handling practices. Unfortunately, OPS did not obtain budgetary approval to print out hard copies of the report until October 2017 and did not distribute the manual to all identified stakeholders until January 2018.

While the Monitoring Team was hopeful that the 2017 annual report would be completed in a timelier fashion (completion of an annual report by the end of the first quarter of the following year is often considered a best practice), continuing struggles within OPS (including the lack of a permanent Administrator and the need for the new Administrator to have input on the content of the report) have resulted in an anticipated date of completion for that report by the end of August 2018. Subsequent annual reports will need to be completed in a timelier manner.

10. Referral of Cases to PRB for Consideration

In addition to the challenges faced by OPS in completing investigations in a timely fashion, there have also been challenges with respect to OPS’s ability to conduct timely reviews of those investigations. Paragraph 227 of the Settlement Agreement requires that the OPS “forward all investigations and its written conclusions to the PRB in sufficient time for PRB to consider them no later than the second regularly scheduled PRB meeting following completion of the investigation.” In the past, the lack of timely reviews of investigations has made it impossible for OPS to comply with this section of the Consent Decree. Starting in June 2018, however, the new OPS Administrator appears to have put new practices into place to better ensure the timely referral of completed investigations to the PRB for their consideration.

11. New OPS Administrator

Since the resignation of the former OPS administrator in late 2017, the City and CDP began recruiting qualified candidates for a new Administrator to lead the Office of Professional Standards through its ongoing reforms. In March 2018, the City identified three final candidates for the position. The finalists participated in a community

²³³ Dkt. 86-1 at 9.

²³⁴ *Id.* at 16–17.

meeting held by the CPC on March 20, 2018 and answered questions by members of the public. The CPC assessed the community's comments and provided its recommendations to the City and CDP, ranking the preferred selection of the new Administrator.

On June 4, 2018, Roger Smith started as the new Administrator of OPS. Mr. Smith is a former Executive Agency Counsel and Director of Training for the New York City Civilian Complaint Review Board, the largest investigation-focused civilian oversight of law enforcement agency in the United States. The Monitoring Team looks forward to working with Mr. Smith in his efforts to lead OPS toward compliance with the Consent Decree and meeting the fair expectations of civilians and residents of Cleveland.

Where OPS Stands Now

OPS began 2018 with a reported backlog of 377 cases, including cases received in 2014 (2 cases), 2015 (65 cases), 2016 (132 cases) and 2017 (178 cases). As of the end of May, OPS began the process of turning over 281 of its backlogged cases to a third-party vendor, Hillard Heintze, with the intention that OPS staff focus on the timely completion of cases received after December 1, 2017. Thus, older cases will be handled by the vendor, with OPS focusing on investigations of new complaints.²³⁵

As a result of the transfer of the backlogged cases, OPS was able to report a slate of 83 pending cases in mid-April 2018. Although the backlog of case investigations reached a high of 92 in mid-June, **aggressive measures reportedly taken by the new OPS Administrator and Senior Investigator appeared to reduce the backlog of more-recent cases by the end of that month.** The Monitoring Team is hopeful that the current efforts at backlog reduction will develop into a long-term trend in favor of timely OPS investigations and referrals to the PRB for resolution of complaints.

Meanwhile, an informal but systematic qualitative review of 38 OPS investigations more-recently completed between September 1, 2017 and October 13, 2017 identified significant continuing deficiencies in OPS investigative practices and failures to abide by Monitor and court expectations regarding adherence to the OPS Manual and investigative best practices. Even more recently, the Monitoring Team audited a limited number of cases submitted by OPS for PRB review in early 2018 – and again found significant and fundamental investigative deficiencies.

OPS remains a critical local governmental function that has failed adequately, in the past, to meet its obligations under the City of Cleveland's Charter and, of course, under the Consent Decree. The Monitoring Team is cautiously optimistic that (1) the thoughtful use of a third-party vendor to address the historical backlog of unresolved complaint investigations, and (2) the establishment of strong, experienced leadership at OPS to implement changes in day-to-day practices on newly-received complaints, will constitute an important turning of the page for the Office.

To this end, one of the outcome assessments that the Consent Decree requires involves evaluation of the numbers and trends with respect to civilian complaints.²³⁶ Looking at the overall numbers of civilian complaints received,

²³⁵ OPS did retain a few cases initiated in 2015, 2016 and 2017 which were considered relatively close to completion.

²³⁶ Dkt. 7-1 ¶367(i)(1).

the trends point in a positive direction – from 294 received in 2015 go 263 in 2016 and 241 in 2017. This is **an 18 percent decrease in complaints in 2017 as compared to 2015.**

There are any number of plausible explanations for the decrease in complaints. It could be that new policies and training are, in fact, leading CDP officers to perform less often in ways that lead civilians to make complaints about misconduct or poor performance. It could also be that the Division's implementation of body-worn cameras is leading to better performance by CDP officers. Like in other cities, where the use of body camera technology has been associated with substantial decreases in civilian complaints, in Cleveland, the City indicates that complaints decreased by 40 percent in the first year after body cameras were implemented.²³⁷ The cameras may be leading civilians with unsubstantiated allegations to file complaints less frequently, incentivizing officers to perform better, or simply leading officers and civilians alike to behave differently when they know that their actions and words are being recorded.

Results of the 2018 community survey, in which 71 percent of respondents who had experienced a significant interaction with the Cleveland Police in the prior 12 months said that officers treated them with respect during the interaction, might tend to support the interpretation that changes in officer performance – in this case, embracing concepts of procedural justice and focusing more on community problem-solving – are contributing to a lower level of complaints overall.

At the same time, however, the challenges within OPS have been well-known and well-documented, both before the Consent Decree and since implementation began. It is possible that fewer people are filing complaints because they lack confidence that doing so will actually matter. Faced with an Office that still has investigations pending from 2014 in mid-2018, anxious residents would not necessarily be faulted for being wary of going through the time and energy to engage in a process that may not lead to much. Relatedly, residents may be sufficiently skeptical or distrustful of the Division's discipline system that they assume that, even if a timely and comprehensive investigation affirmed their allegations, the Division may not take sufficient corrective action.

The Monitoring Team's 2016 community survey gives some credence to the possibility that perceived challenges with how OPS and/or the Division may handle the complaint may be driving trends here. Although an insufficiently large group of individuals who actually filed complaints was interviewed to determine trends with the necessary statistical certainty, that survey nonetheless discussed the experience of 24 respondents who said that they did, in fact, file a complaint. A majority of those respondents said "they were dissatisfied with the experience" of filing a complaint – and, in particular, "a perceived lack of follow-up by the Cleveland Police or the

²³⁷ See, e.g., Leila Atassi, "Cleveland Police Body Cameras Reduced Citizen Complaints by 40 Percent, Police Officials Say," Cleveland.com (Nov. 11, 2015), https://www.cleveland.com/cityhall/index.ssf/2015/11/cleveland_police_body_cameras_1.htm; "Oakland Mayor Says Police Body Cameras Have Cut Use-Of-Force Incidents Significantly in 5 Years," KPIX (Dec. 17, 2014), <http://sanfrancisco.cbslocal.com/2014/12/17/oakland-mayor-says-police-body-cameras-have-cut-use-of-force-incidents-by-60-in-4-years-jean-quan-oakland-police-department-opd-officer-involved-shooting/> (reporting decrease in use of force incidents by nearly 75 percent in six years that Oakland Police Department has used body cameras); Tony Perry, "San Diego police body camera report: Fewer complaints, less use of force," L.A. Times (Mar. 18, 2015), <http://www.latimes.com/local/lanow/la-me-ln-body-cameras-20150318-story.html> (noting 40.5 percent fall in complaints and 46.5 percent reduction in "personal body" force following adoption of body cameras); Tony Farrar, "Self-Awareness to Being Watched and Socially-Desirable Behavior: A Field Experiment on the Effect of Body-Worn Cameras on Police Use-of-force," Police Foundation (Mar. 2013), <http://www.policefoundation.org/content/body-worn-camera> (summarizing 50 percent reduction in use of force over a one-year period in Rialto, California).

Office of Professional Standards.”²³⁸ As that report noted, “a single interaction has an ‘echo’ effect that shapes the perceptions of many people”²³⁹ – such that negative experiences with the complaint process, over time, may lead fewer people to utilize it.

It is hard to know for sure why the numbers of complaints are going down at this time. However, it will become, in the Monitoring Team’s view, much clearer if and when the City of Cleveland can represent to its residents that, if they file a complaint, it will be investigated in a fair, thorough, and timely manner. If and when the Cleveland community has confidence in the complaint investigation process, and brings fewer complaints to the City’s attention, residents can be much more certain that it is, in fact, the day-to-day performance of the men and women of the Division of Police that is improving.

Progress and Tasks that Remain

The road to restore public confidence in the Office of Professional Standards will remain long and challenging. OPS must still address a host of foundational issues. The City and the new OPS Administrator will be required to exert significant time, energy, and resources to make OPS into a functional and credible oversight agency.

The Monitoring Team is pleased that the City has hired a new OPS Administrator who appears to be qualified and experienced in civilian oversight. Nevertheless, and as noted in the Fourth Semiannual Report, the hiring of an experienced, competent Administrator is only the start of a long process of reform necessary to solve the systemic and long-standing problems that have festered within OPS over a period of many years. Next come the real labors.

1. Completing the Backlog of Unclosed Investigations

DOJ and the Monitoring Team have worked continuously and through multiple approaches to address the unclosed investigations received prior to January 1, 2018 that have still not been completed or received a final disposition. As noted previously, the City is working with a third-party firm to complete investigations of these complaints. The Monitoring Team must note here that, to the extent that securing this outside firm requires an additional expenditure of City resources, this is in addition to an expenditure that the City already made on the salaries of personnel who were charged with completing investigations previously but did not. It is unfortunate that deficient performance is compounding the cost of ensuring that the complaints from residents about the Division of Police are adequately addressed.

2. Case Management System/Business Mapping

Much ink has previously been spilled on the backlog of old, unresolved cases within OPS. Even as an outside firm is brought in to address this historical backlog, OPS is still squarely at the first step of trying to implement the requirements of the Consent Decree as codified in the Court-approved OPS Manual. Over the coming months, OPS needs to overhaul the way it does business to ensure that the problems that developed within the Office previously can never happen again. Ultimately, OPS’s ability to complete full investigations and provide them to

²³⁸ Dkt. 71-1 at 38–39.

²³⁹ *Id.* at 41.

the PRB in a timely fashion will require leadership from the new OPS Administrator, effective management by the new OPS Supervisory Investigator, and clear and unambiguous direction from the Director of Public Safety.

One major area of focus will need to be day-to-day case management. Proper case management is a basic, foundational management tool for an investigatory agency with OPS's charge to operate successfully in a city the size of Cleveland. Under the Consent Decree, OPS will “establish a centralized electronic numbering and tracking system . . . [which] will maintain accurate and reliable data regarding the number, nature, and status of all complaints” and which can be used by OPS administration “to monitor and maintain appropriate caseloads for OPS investigators.”²⁴⁰

Previously, OPS had been operating without up-to-date “process maps”— expressly defined procedures for addressing the work flow of investigating civilian complaints on an administrative standpoint. Similarly, OPS lacked an operational “business plan” that outlines the responsibilities of various staff members with respect to the processing of cases. OPS investigators’ work was documented mostly on paper, with “some work inadequately stored on an antiquated and insufficient case management database system” in spite of the availability of IPro and BlueTeam—common industry platforms that also happen to be the same system that CDP’s IA investigators are using.²⁴¹

In the first quarter of 2017, the City’s Department of Public Safety took over the administration of the IPro database. The Monitoring Team began working with OPS to create a migration plan that would document the steps that OPS would need to take to ensure its full use of the capabilities of the IPro case management system.

In 2018, the Monitoring Team reviewed OPS’s progress towards moving to full use of IPro. Unfortunately, although OPS had consistently represented over 2017 that it was well-engaged in the migration to IPro, OPS had been entering only basic data into the new system while still relying on an antiquated “Access” database to prepare its bi-weekly reports, with only minimal data available to appropriately manage its case load. This was particularly disappointing to the Monitoring Team as the City had spent significant funds in 2017 to send a team of OPS personnel to Washington D.C. to observe how the Office of Police Complaints (an agency similar to OPS) used IPro in the management of their cases. As it turned out, lessons learned from that trip were never implemented by the OPS.

In March 2018, the Monitoring Team met with OPS staff and provided technical assistance in support of the creation of business rules that would clarify roles and responsibilities of OPS staff in the implementation and use of the new case management system. By the end of April 2018, the business rules had finally been completed and OPS staff were reportedly trained in the use of the system. OPS administration, however, has noted that, contrary to expectations, all information relating to cases received after December 1, 2017 has still not been entered into the IPro data base. Due to the recent resignation of the OPS’s analyst, and the need to redesign the job description for that position, it may be some time before the OPS is able to manage and track all cases assigned to OPS investigators in a comprehensive manner.

²⁴⁰ Dkt. 7-1 at ¶ 210.

²⁴¹ Third Semiannual Report at 51.

3. Ongoing Issues with the Quality of OPS Investigations & Training Needs

Under the Consent Decree, OPS investigators will need to receive “initial training that is adequate in quality, quantity, scope, and type” that addresses:

- “[I]nvestigative skills, including proper interrogation and interview techniques; gathering and objectively analyzing evidence; and data and case management;
- “[T]he particular challenges of administrative investigations of police conduct, including identifying conduct warranting investigation that is not clearly stated in the complaint or that becomes apparent during the investigation;
- “[P]roperly weighing the credibility of civilian witnesses against officers;
- “[U]sing objective evidence to resolve inconsistent statements;
- “[T]he proper application of the preponderance of the evidence standard; and
- “CDP rules and policies, including the requirements of this Agreement, and protocols related to administrative investigations of officer conduct alleged to be improper.”²⁴²
-

Although OPS investigators had received some training, it was clear that what they have received to date had not been enough to sufficiently improve the quality of OPS investigations. As previously reported, a qualitative review of 38 OPS investigations completed in Fall 2017 found ongoing deficiencies in OPS investigative practices – and failures to abide by the expectations of the Court and Monitoring Team regarding adherence to the OPS Manual and investigative best practices. These deficiencies were brought to the attention of the City and OPS administration, and a training session was provided to OPS investigators to ensure that the deficiencies would be address and improved practices would be implemented.

Additionally, two full-day training sessions in conducting administrative investigations was provided to OPS investigators in February 2018.

In order to verify that investigative practices had been improved, the Monitoring Team reviewed additional cases that had been sustained by the Police Review Board in early 2018. Unfortunately, many of the previously identified deficiencies were being repeated, and the Team identified additional investigative deficiencies. It was particularly disappointing to the Monitoring Team that OPS continued to approve deficient investigations even after receiving technical advice from the Monitoring Team. Supplemental training was provided to OPS investigators and administrators in May 2018 in order to attempt to improve investigative practices and the monitoring team continued to provide technical advice by auditing OPS investigations submitted to the PRB through June 2018.

4. OPS Staff Performance Reviews

In the Fourth Semiannual Report, the Monitoring Team noted that OPS had only recently set forth formal expectations (the “Smart Objectives”) for its OPS investigators relating to the conduct of investigations – even though this was a process available to all City managers across departments to set and hold employees accountable for specific performance expectations.

²⁴² Dkt. 7-1 at ¶ 195-96.

Unfortunately, a Monitoring Team review of the documentation provided by OPS relative to the performance review process established problematic practices in that regard. For example, in one case, an investigator who received five out of six scores indicating “improvement needed,” received an overall rating of “successful.” Further, OPS administration was unable to explain score discrepancies and only minimal documentation, if any, was available to support the ratings provided to both permanent and temporary investigators.

It is the Monitoring Team’s expectation that the new OPS Administrator will ensure a robust employee performance review process at OPS to ensure employee adherence to OPS court-approved policies and best practices in investigations based on the training that has been and will continue to be received.

5. Complaint Forms

Under the Consent Decree, the City and OPS “will make complaint forms and other materials outlining the complaint process and OPS’s contact information available at locations” including a number of specific, expressly-listed locations.²⁴³ Further, all CDP officers will “carry complaint forms in their CDP vehicles.”²⁴⁴

While the City and CDP have consistently maintained that they have made complaint forms available at the Decree-enumerated locations, Monitoring Team members have visited the locations and have, on occasion, not found the forms readily available. Similarly, Monitoring Team members have requested CDP officers to procure an OPS complaint form, to which officers sometimes have been unable to provide one from their vehicle. In the coming months, the Monitoring Team will be working on an audit program to ensure the accessibility of complaint forms.

C. Police Review Board (“PRB”)

Paragraph	Status of Compliance
230. “Mayor will work with the City Council to develop an ordinance to place a Charter Amendment on the ballot” addressing PRB composition and appointment process.	GENERAL COMPLIANCE
231. “PRB members will not be current or former members of the CDP.”	GENERAL COMPLIANCE
232. “PRB will have its own budget,” overseen by OPS Administrator and separate from Department of Public Safety, that “affords sufficient independence and resources.”	OPERATIONAL COMPLIANCE
233–34. Initial training for PRB members “that is adequate in quality, quantity, scope, and type” and that covers specific, expressly-identified topics.	PARTIAL COMPLIANCE
235. PRB meetings open to the public and posted in advance, with “case presentations and PRB votes” occurring during “open session.”	OPERATIONAL COMPLIANCE
236. “OPS investigators will attend PRB meetings at which their investigations are being considered and present their findings” <u>PRB may “ask the investigator to conduct further investigation” as necessary.</u>	PARTIAL COMPLIANCE
237. “PRB recommended dispositions will be based on a preponderance of the evidence. For each case, PRB shall set forth its conclusion and an explanation of its	EVALUATION DEFERRED

²⁴³ Dkt. 7-1 at ¶ 206.

²⁴⁴ Dkt. 7-1 at ¶ 205.

reasons and supporting evidence in writing, including, when applicable, the justification for departing from OPS's recommended disposition."	
238. "In cases where PRB is recommending a sustained disposition, in whole or in part, PRB will include a recommendation as to disciplinary or non-disciplinary corrective action."	OPERATIONAL COMPLIANCE
239. [Timely] forwarding of PRB recommendations to Chief of Police and Director of Public Safety.	PARTIAL COMPLIANCE

Background

Cleveland's civilian Police Review Board ("PRB" or "the Board") reviews and analyzes completed OPS investigations. It makes a formal recommendation to the Chief of Police on the ultimate disposition of the case and, if warranted, the discipline that an involved officer should receive. Given OPS's many deficiencies, a well-functioning PRB will be critical in ensuring that OPS investigations are sound and that the Chief of Police receives a well-informed recommendation on the disposition of OPS cases.

The Department of Justice found in 2014 that the PRB's "review of [OPS] investigations [was] . . . inadequate."²⁴⁵ Its reviews were based on incomplete information, as the PRB "inexplicably instructed investigators not to include an officer's prior complaint and disciplinary history in the investigative file."²⁴⁶ That failure to consider an officer's prior conduct "interfere[d] with [the PRB's] evaluation of the credibility of the current complaint and impede[d] its ability to discern potential patterns of misconduct."²⁴⁷ Further, the Board's decisions lacked transparency. Its case files "frequently" lacked final dispositions, and even when dispositions were included, the Board failed to document the rationale supporting its decisions. The problem was most pronounced where the PRB sustained a complaint and recommended discipline. Because PRB members are not involved from the disciplinary conference, it was left to OPS investigators, who play no part in the PRB's decision-making process, to defend the PRB's disposition and disciplinary recommendations at Chief's Hearings. The system was "likely to produce ill-informed decisions and unfounded results."²⁴⁸

The Consent Decree consequently contains a host of requirements relating to the PRB, including that the "PRB will have its own budget[,] PRB members will receive initial training, PRB meetings will be held open to the public and posted in advance, "OPS investigators will attend PRB meetings at which their investigations are being considered and present their findings[,] "PRB recommended dispositions will be based on a preponderance of the evidence[,] and that the PRB will, when recommending sustained disposition, "include a recommendation as to disciplinary or non-disciplinary corrective action."²⁴⁹

²⁴⁵ DOJ Findings Letter at 41.

²⁴⁶ *Id.*

²⁴⁷ *Id.*

²⁴⁸ *Id.*

²⁴⁹ Dkt. 7-1 at ¶¶ 232-38.

What Has Been Accomplished

1. City Charter Amendment

The Decree required the Mayor to “work with the City Council to develop an ordinance to place a Charter Amendment on the ballot” addressing PRB composition and appointment process.²⁵⁰ Cleveland voters approved the changes to the City Charter on November 8, 2016.

2. PRB Manual

The Monitoring Team quickly identified that the Board had previously been carrying out its duties without a set of established protocols to guide its decision-making.²⁵¹ The lack of clear processes and procedures allowed the PRB to fall behind on the timely review and deliberation of cases – failing in its core duties and service to the City of Cleveland. It also made the PRB’s decisions, and subsequent CDP and City decisions based on or related to it, subject to the objections of grievance arbitrators that the process was not sufficiently fair to involved officers.

To address this deficiency, the Parties and Monitoring Team spent several months working with the PRB to draft an Operations Manual (“PRB Manual”) to guide its deliberations process. The manual codifies changes made in the November 2016 City Charter Amendment pertaining to PRB composition and appointment. It also provides step-by-step directions for the movement of investigative files from OPS to the PRB, the assignment of cases for Board member review, the structure and agenda for PRB meetings, the means by which investigations are reviewed and discussed in a public forum, the process by which the PRB’s decisions and recommendations are presented, and the public announcement of the Board’s findings and recommendations for consideration by the Chief of Police and Director of Public Safety. The PRB Manual was approved by the Court and made effective on April 6, 2017.

Since the adoption of the PRB Manual, the Monitoring Team and DOJ worked with OPS and the Board to amend the PRB Manual to permit the Board to conduct its deliberations in a public setting (instead of deliberating in a private executive session). The Board voted to adopt the amended policy at its August 16, 2017 meeting. The amended policy was subsequently submitted to the Court for its approval and was approved on March 23, 2018. The policy was subsequently placed in the City Record on May 23, 2018 and became effective on two weeks thereafter.

3. PRB Training

The Consent Decree requires initial training for PRB members “that is adequate in quality, quantity, scope, and type” and that covers specific, expressly-identified topics.²⁵² The PRB’s efforts to design a training plan and curriculum are discussed below.

PRB members have received auxiliary training that does not qualify as the initial training called for in the Decree. As previously reported, a member of the Monitoring Team provided training to the Board (which was also

²⁵⁰ *Id.* at ¶ 230.

²⁵¹ Dkt. 97 at 8.

²⁵² Dkt. 7-1 at ¶ 233-34.

attended by OPS investigators) relating to Fourth Amendment issues in policing (specifically relating to federal case law on search and seizure).

Additionally, the Monitoring Team identified the need for PRB to receive training on the Division's use of force training, policies, and expectations for its officers, as well as training on the use and administration of body-worn cameras. Training on the use of body-worn cameras was provided to the PRB at its November 2017 meeting. Training on CDP Use of Force policies was provided to the PRB at its monthly meetings from January through May 2018. Additional training on CDP non-lethal and lethal force policies and training is anticipated to be provided to the PRB during subsequent monthly meetings.

The addition of a new member to the PRB required OPS to create a training protocol for this member and future new members to ensure the seamless operation of the PRB going into the future; by the end of the reporting period, OPS had successfully completed a training binder which was subsequently provided to all current members of the PRB as a resource.

4. Documentation of PRB Decision-Making

As previously reported, the PRB has struggled previously with the timely documentation of the rationale for its "sustained" decisions. The Board hired a Private Secretary in August 2017 to assist in the preparation of these disposition letters. By the end of 2017, the Private Secretary's impact was apparent, as the backlog of PRB disposition and findings letters appeared to have been eliminated. The last OPS bi-weekly report of the year reported the office had completed disposition letters on all cases heard by the PRB at a December 9, 2017 meeting within two weeks. The Monitoring Team consequently expects that the PRB can now contemporaneously prepare disposition letters (letters to complainants documenting non-sustained findings made by the PRB) and findings letters (letters to the CDP documenting sustained findings made by the PRB) for all cases considered in the upcoming year.

Where the PRB Stands

The PRB continues to convene regularly to address cases that it receives from OPS. To this extent, then, the performance of the PRB has to this point been, at least to some relevant extent, at the mercy of OPS. The timeliness of the PRB's review of cases, and precisely what the PRB is reviewing, depends on how well OPS has effectuated its duties in the investigatory stage. With the ongoing challenges of OPS, then, the PRB – with its Board members acting in good faith and appearing, to the Monitoring Team, to genuinely want to do as good of a job as they can – inherently has been able to proceed only so far. Along those lines, the Monitoring Team has witnessed some frustration from Board members from time to time that it cannot do more or do better, and the Team understands and appreciates this frustration.

As OPS produces more timely and complete investigations to the Board, the Monitoring Team and the Consent Decree process will be in a better position to more systematically and rigorously evaluate PRB's performance. As with all other reviews or adjudications of officer performance, the Team will be looking to see that the overall process used to consider and analyze incidents is fair, thorough, and objective – and that PRB recommendations are timely made available to the Chief of Police for consideration.

Progress and Tasks that Remain

1. Quality of PRB Recommendations & Processes

By attending numerous pre-disciplinary (so-called “Chief’s Hearings”) regarding officer misconduct allegations that the PRB had previously recommended as sustained, the Monitoring Team has observed that, in many cases, the Chief has either disagreed with the PRB recommendations or there have been procedural issues that result in a case’s dismissal. Over the course of the current reporting period, a qualitative analysis of the cases referred by the PRB to the Chief for sustained findings was conducted and findings were discussed with PRB members. Realistically, however, until OPS investigations can be improved on a systemic basis, the PRB will continue to struggle with ensuring that its recommendations have a basis in fact and administrative law and are recognized by CDP command as reliable and defensible.

As previously reported, the Monitoring Team has noted a lack of adequate communication amongst and between the PRB and the Chief’s Office. In one case, the Chief decided not to impose discipline without conducting a Chief’s hearing and notified the involved officer before the PRB had an opportunity to review the Chief’s decision. As such, even though the PRB disagreed with the decision, there was no opportunity for the PRB to appeal its recommendation to the Director of Safety.

Since that time, the PRB and the Chief have met and agreed that the Chief would attend the PRB meetings on a quarterly basis to enhance communication between the CDP and the PRB. While this was an excellent step forward, there clearly is a need for a formal protocol between the PRB and the Chief’s Office to address systemic communication issues and to ensure that the Chief and the PRB understand each other’s rationale for making recommendations and decisions on complaints. This is anticipated to be another goal for the new OPS Administrator.

2. PRB Training

The Consent Decree requires that PRB members “receive initial training that is adequate in quality, quantity, scope, and type” that includes:

- “[C]onstitutional and other relevant law on police-citizen encounters, including law on the use of force and stops, searches, and arrests;
- “[P]olice tactics;
- “[I]nvestigations of police conduct;
- “[B]ias-free policing;
- “[P]olicing individuals in crisis;
- “CDP policies, procedures and disciplinary rules; and
- “[C]ommunity outreach.”²⁵³
-

The training will be conducted by “sources both inside and outside of CDP, in order to ensure the highest quality training on investigative techniques, and CDP policies, procedures, and disciplinary rules.”²⁵⁴

²⁵³ Dkt. 7-1 at ¶ 233.

²⁵⁴ *Id.* at ¶ 234.

As previously reported, a draft outline of proposed training was provided to the Monitoring Team on April 6, 2017. The outline documented short-term training provided at a full-day training retreat for the PRB on May 13, 2017, as well as future topics to be covered in trainings either before, after, or during regular monthly CPRB meetings. Although the outline provided was not as sufficiently detailed as envisioned, the Monitoring Team agreed to work with OPS to identify training needs on an ongoing basis and identify subject matter experts who can provide an appropriate, ongoing curriculum and training as required by the Consent Decree.

3. Systemic Compliance

As the preceding discussion indicates, PRB has some distance to travel until it can be certified as adhering across time, cases, and deliberations to the requirements of the Decree and the Court-approved PRB Manual. Again, a significant reason that this scope of work remains is related to the ongoing deficiencies with OPS as, to some extent, PRB can only ever be as good as the quality and nature of the investigations that they review. Ultimately, the Monitoring Team and Court will need to certify that the Board is effectively and meaningfully carrying out its duties in a sufficiently thorough, fair, and timely manner.

D. Discipline and Disciplinary Hearings

Paragraph	Status of Compliance
240. "The Chief of CDP will issue a General Police Order that requires officers to (a) cooperate with the Internal Affairs and OPS investigators; and (b) submit all relevant evidence to the investigators such that it is available for consideration by Internal Affairs or PRB."	EVALUATION DEFERRED
241. Disciplinary hearing requirement, with officer given "opportunity to testify" and suspension of hearing if "officer provides new or additional evidence at hearing," with matter "returned to IA or PRB for consideration."	EVALUATION DEFERRED
242. Written justification by Chief or Director of decision to "not uphold the charges" or "does not impose the recommended discipline or non-disciplinary corrective action" where PRB previously "recommends the initiation of the disciplinary process and recommends a disciplinary level."	PARTIAL-COMPLIANCE
243. "CDP will track the number of instances in which the Chief or the Director of Public Safety rejects, in whole or in part, PRB's recommended disposition."	EVALUATION DEFERRED
245. "CDP will ensure that discipline for sustained allegations of misconduct comports with due process, and is consistently applied, fair, and based on the nature of the allegation, and that mitigating and aggravating factors are identified and consistently applied and documented."	EVALUATION DEFERRED
246. "CDP will review its current matrix and will seek to amend it" "to ensure consistency" and inclusion of a number of specific, expressly-identified features.	OPERATIONAL COMPLIANCE
247. "All disciplinary decisions will be documented in writing."	EVALUATION DEFERRED
248. "CDP will provide its disciplinary matrix to the Commission, the Police Inspector General, and the police unions for comment."	OPERATIONAL COMPLIANCE

249. “CDP will work with the unions to allow for sustained disciplinary findings to stay in an officer’s record for ten years.”	EVALUATION DEFERRED
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Background

In any organization, it is all but impossible to build a credible accountability system without fair and consistent application of corrective action or discipline. In 2014, the DOJ had found that the imposition of discipline by CDP was “so rare that no more than 51 officers out of a sworn force of 1,500 were disciplined in any fashion in connection with a use of force incident over a three-and-a-half-year period[.]” with most of the 51 officers either being disciplined for minor procedural violations or avoiding consequences altogether because “hearings were not held in time or charges were dismissed for unexplained reasons.”²⁵⁵

This practice and culture—in which CDP employees’ misconduct was frequently divorced from consequences—is addressed by the Consent Decree. It obligates CDP to “ensure that discipline for sustained allegations of misconduct comports with due process, and is consistently applied, fair, and based on the nature of the allegation, and that mitigating and aggravating factors are identified and consistently applied and documented.”²⁵⁶ To that end, the Division “will review its current disciplinary matrix and will seek to amend it as necessary[.]”²⁵⁷ Specifically, CDP must ensure that the new disciplinary matrix:

- “[E]stablishes a presumptive range of discipline for each type of rule violation;”
- “[I]ncreases the presumptive discipline based on an officer’s prior violations of the same or other rules;”
- “[P]rohibits consideration of the officer’s race, gender, national origin, age, ethnicity, familial relationships, or sexual orientation” as well as “the high (or low) profile nature of the incident;” and
- “[P]rovides that CDP will not take only non-disciplinary corrective action in cases in which the disciplinary matrix calls for the imposition of discipline” but may consider non-disciplinary corrective action “in a case where discipline has [already] been imposed.”²⁵⁸

Along with the requirements above, CDP must document all disciplinary decisions in writing and must “work with the unions to allow for sustained disciplinary findings to stay in an officer’s record for ten years.”²⁵⁹

What Has Been Accomplished

Well before the Consent Decree became effective, CDP created a new disciplinary guidance matrix that would improve consistency, fairness, and transparency in the Division’s administration of discipline. That policy, which became effective in May 2015 before the Consent Decree was approved by the Court, promulgated formal disciplinary procedures and outlined classes of discipline that scaled in accordance with different types of violations.

²⁵⁵ DOJ Findings Letter at 5.

²⁵⁶ Dkt. 7-1 ¶ 245.

²⁵⁷ *Id.*

²⁵⁸ *Id.* at ¶ 246.

²⁵⁹ *Id.* at ¶¶ 247, 249.

Pursuant to the Decree, Parties and the Monitor set about evaluating and revising the matrix, as necessary, to ensure that it complied with the specific provisions laid out in the Decree. The creation of the new disciplinary matrix also needed to include the input of other critical stakeholders. OPS and the PRB provided their comments on April 21, 2017. Those comments were incorporated into later drafts. On August 22, 2017, the CPC held a community meeting for Cleveland residents to share their feedback on a draft of the disciplinary matrix. The CPC subsequently conferred with the Division to provide its comments and insights. The CPPA also provided input on the disciplinary matrix.

The Disciplinary Matrix was filed with the Court on December 20, 2017 and became effective on January 1, 2018. It establishes presumptive ranges of discipline and mitigating or aggravating factors. Further, it mandates that all discipline will be decided without consideration of a CDP member's "race, religion, gender, sex, national origin, age, ethnicity, familial relationships or sexual orientation" and that all discipline is documented in writing.²⁶⁰

Where the Division Stands

Since January 1, 2018, the Division has been proceeding to implement the revised, Court-approved Disciplinary Matrix. Since early in the Consent Decree process, the Monitoring Team has been receiving and reviewing notifications of all officer discipline. Since the promulgation of the new Matrix, the Monitoring Team has begun to audit disciplinary decisions along with the underlying investigations that precipitated them in real-time, and it will amplify its focus in this area in the next reporting period. Ultimately, the Division's *system* for adjudicating pending misconduct cases and imposing corrective action where warranted needs to adhere to the Decree's requirements.

The Division will need to focus its attention on the mechanics of the process that it uses between when a misconduct investigation is completed and when a decision as to discipline is ultimately made. "Chief's Hearings," which representatives of the Monitoring Team and of DOJ have observed across many different types of cases, are minimally structured, non-uniform, and problematic in their sanctioning of uncontrolled cross-examination by union officials of OPS representatives and others. With a lack of general, uniform standards, different members of CDP command staff conduct the Hearings differently – which has troubling fairness implications.

Indeed, as the Team understands it, the scope of the Hearings goes far beyond what occurs in other jurisdictions across the country and what the law describes – something with which the City of Cleveland should well be familiar, as a dispute involving the Cleveland Board of Education in the 1980s was, in fact, the context in which the Supreme Court developed the applicable legal standards.²⁶¹ The "Chief's Hearings" are intended to satisfy legal requirements that the involved employee be afforded an opportunity to hear about the charges against them and respond, if desired, to those charges before a disciplinary decision may be made. The simultaneous lack of protocols on the one hand and use of some procedures, like cross-examining OPS on findings, is inconsistent with why the *Loudermill* hearings need to take place in the first instance. Officers, once learning of the Division's actual, initial discipline decision, can and do have many opportunities to cross-examine decision-makers if or when they appeal the decision. Codified procedures should require that officers, and/or their representatives, have an opportunity to explain their side of the story during the *Loudermill* context.

²⁶⁰ Dkt. 173-1 at 1.

²⁶¹ *Cleveland Board of Education v. Loudermill*, 470 U.S. 534 (1985).

Progress and Tasks that Remain

1. Disciplinary Process Changes

As indicated above, the procedures and processes that the Division uses from the time that a misconduct investigation is complete to when discipline is imposed will need to be addressed to ensure that they are fair, uniform, objective, and timely. The Monitoring Team looks forward to working with the City and Division to craft policies and address the process leading up to a determination of discipline.

2. Sustained Disciplinary Findings

The Decree requires CDP to “work with the unions to allow for sustained disciplinary findings to stay in an officer’s record for ten years.”²⁶² As of March 9, 2018, the City, Division, and CPPA agreed to modify the collective bargaining agreement between the City and CPPA, removing former language that “[v]erbal disciplinary warnings and disciplinary written reprimands shall be removed from a Police Officer’s record after six (6) months, but all other disciplinary actions or penalties will be removed after two (2) years from the date the discipline was administered.”²⁶³

The new agreement, reflecting the implementation of the Division’s revised disciplinary matrix, states that “[v]erbal disciplinary warnings and disciplinary written reprimands shall not be used for progressive discipline purposes after one (1) year from the date the discipline was administered, and disciplinary suspensions shall not be used for progressive discipline purposes after three (3) years from the date the discipline was administered.”²⁶⁴

3. Systemic Evaluation of Discipline

Because it decided to focus on creating Internal Affairs policies and addressing major OPS deficiencies during the current reporting period, the Monitoring Team has deferred a systemic evaluation of the imposition of discipline and the quality and rationale for findings until the latter half of 2018. Although the Monitoring Team has observed some disciplinary decisions that do not appear to appropriately hold officers to account, it has also seen the appropriate imposition of discipline in some serious cases. A comprehensive evaluation of the imposition of discipline will be conducted to determine how the Disciplinary Matrix is functioning in practice – to determine whether “[t]he City and CDP” are adequately “ensur[ing] that . . . officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair, consistent, and provides due process.”²⁶⁵

²⁶² Dkt. 7-1 at ¶ 249.

²⁶³ Collective Bargaining Agreement 2013-2016, at 4, *available at* https://drive.google.com/file/d/oB_l2VAn8n4jkS3poVjZ4ZVRnMoU (last visited July 24, 2018).

²⁶⁴ Tentative Agreements, March 9, 2018, at 2, *available at* <https://drive.google.com/open?id=13cES4aM7QCMthx6m7mx4Foh4H97UVOGB> (last visited July 24, 2018).

²⁶⁵ Dkt. 7-1 at ¶ 176.

X. TRANSPARENCY AND OVERSIGHT

Transparency and oversight are essential components of accountability – and therefore essential values of effective, well-functioning law enforcement agencies. CDP, like all police departments, has a responsibility to ensure that incidents are properly reported, documented, investigated, and, where warranted, addressed with fair, prompt, and appropriate remedial measures.

The Consent Decree’s “Transparency and Oversight” section primarily addresses two components. The first addresses the creation of a new Police Inspector General. The other addresses the collection and analysis of data on officer and the Division’s performance.

A. Police Inspector General

Paragraph	Status of Compliance
250. “The City will hire an individual or individuals with significant experience in law enforcement practices and civil rights law to serve as a Police Inspector General” (“IG”). City must seek CPC’s “input in developing minimum qualifications and experience” for IG.	OPERATIONAL COMPLIANCE
251. IG work in Office of Mayor but report to Chief of Police.	OPERATIONAL COMPLIANCE
252. IG “will not be a current or former employee of CDP.”	OPERATIONAL COMPLIANCE
253–54. Duties and authority of IG.	EVALUATION DEFERRED
255. Budget of IG must be “a separate line item” in City budget and “afford[] sufficient independence and resources” to comply with Consent Decree.	PARTIAL COMPLIANCE
256. IG “will have access to all documents and data necessary to perform the above functions, including any raw data.”	EVALUATION DEFERRED

Background

The Consent Decree creates “a new, internal oversight function within the Division – a Police Inspector General” (the “IG”).²⁶⁶ “The IG’s substantial duties include, but are not limited to, review of CDP policies and practices, auditing, conducting investigations, analyzing data for aggregate and systemic trends, developing specific recommendations for reform, analyzing investigations conducted by OPS to determine if they are adequate, and reviewing imposed discipline.”²⁶⁷ The IG’s reports and recommendations must be made public.²⁶⁸ The Decree also requires that the Division consult with the CPC “in developing the minimum qualifications and experience for an Inspector General.”²⁶⁹

²⁶⁶ First Semiannual Report at 49.

²⁶⁷ Dkt. 7-1 ¶ 253.

²⁶⁸ Dkt. 97 at 53 (quoting Dkt. 7-1 ¶ 253) (internal quotations omitted).

²⁶⁹ Dkt. 7-1 at ¶ 250.

What Has Been Accomplished

In the early days of the Consent Decree, the Parties and Monitoring Team decided to focus their efforts on certain core areas, such as the use of force and crisis intervention. In setting priorities, it was decided that the hiring and funding of an Inspector General, while important to the Decree's long-term success, was not as critical as other priorities in the first year of monitoring. Additionally, as the Monitoring Team noted, “[e]stablishing the position of the Inspector General while significant foundational work is happening . . . risks the position becoming less attractive for qualified applicants – who might believe that the Consent Decree gives them relatively little room to review or audit compliance with policies that are still just being established or written under the oversight of the Court.”²⁷⁰

The City and Division proceeded diligently to develop a plan for recruiting and spreading information about the IG position on a national scope. The Second-Year Monitoring Plan anticipated that an Inspector General would be hired by December 1, 2017.²⁷¹ The City began interviewing candidates during the second half of 2017. After no suitable candidate was identified, the Parties and Monitoring Team agreed to set the hiring date by May 31, 2018 in the Third-Year Monitoring Plan.²⁷²

Where the Division Stands

In the current reporting period, the City completed the interviewing process and hired a new Inspector General that will provide oversight of the Division of Police. The new IG will start on September 4, 2018.

Progress and Tasks that Remain

The Police Inspector General, with his or her day-to-day responsibility in conducting assessments, reviews, and audits, will be a significant benefit to the Division and the Consent Decree process. The Monitoring Team looks forward to working more closely with the new IG and ensuring open access to CDP documents that are necessary for him to do his job well.

As the Parties know, the IG's hiring is only the first part of the kind of sustained commitment to effective oversight that is called for by the Consent Decree. Going forward, the Parties and Monitoring Team must also ensure that the Police Inspector General has the resources, budget, and “sufficient independence” to successfully review practices, audit, analyze data, and provide actionable recommendations to the Division of Police.²⁷³ Likewise, the work of the Inspector General will need to reflect the rigor and independence that the Consent Decree contemplates. The Monitoring Team will be evaluating the IG's performance over time to ensure that such standards are being appropriately met.

²⁷⁰ First Semiannual Report at 49.

²⁷¹ Dkt. 120-1 at 22.

²⁷² Dkt. 195-1 at 12.

²⁷³ Dkt. 7-1 at ¶ 255.

B. Data Collection and Analysis

Paragraph	Status of Compliance
257. “CDP will collect and maintain all data and records necessary to accurately evaluate its use of force practices and search and seizure practices and facilitate transparency and, as permitted by law, broad access to information related to CDP’s decision making and activities. To achieve this outcome, CDP will designate an individual or individuals as the ‘Data Collection and Analysis Coordinator.’”	PARTIAL COMPLIANCE
258. Coordinator “will ensure the collection and tracking of all documents related to uses of force and allegations of misconduct and related materials,” including specific, expressly-listed materials and information.	PARTIAL COMPLIANCE
259. Coordinator “will ensure the creation and maintenance of a reliable and accurate electronic system to track all data derived from force-related documents,” including specific, expressly-identified data.	PARTIAL COMPLIANCE
260. Coordinator “will ensure the creation and maintenance of a reliable and accurate electronic system to track data on all vehicle stops, investigatory stops, and searches, whether or not they result in an arrest or issuance of a summons or citation.” The system must conform to a number of specific, expressly-identified requirements.	PARTIAL COMPLIANCE
261. Coordinator must “routine[ly] report . . . relevant data to the Chief of Police, FRB, Training Review Committee, OPS, the [Community Police] Commission, and the Police Inspector General.”	PARTIAL COMPLIANCE
262. Coordinator “responsible for the annual assessment of forms and data collection systems to improve the accuracy and reliability of data collection.”	NON-COMPLIANCE
263. Coordinator “will develop a protocol to accurately analyze the data collected and allow for” various outcome measurements, “subject to the review and approval of the Monitor and DOJ.”	PARTIAL COMPLIANCE
264. Annually, “CDP will conduct an assessment and issue a report summarizing its investigatory stop, search, and arrest data” that addresses various specific, expressly-identified topics.	EVALUATION DEFERRED
265. Annually, “CDP will conduct an assessment and issue a report of all activities, including use of force, arrests, motor vehicles and investigatory stops, and misconduct complaints alleging discrimination, to determine whether CDP’s activities are applied or administered in a way that discriminates against individuals on the basis of race” or other listed prohibited classes or characteristics, and that addresses various specific, expressly-identified topics.	EVALUATION DEFERRED
266. Annual analysis of “prior year’s force” data with FRB.	EVALUATION DEFERRED

Background

The ability to analyze and report data is critical to a well-functioning system of proactive monitoring, accountability, and transparency. The DOJ found in 2014 that CDP previously had been unable to monitor

aggregate use of force data and trends in a manner that might “enable the Division to identify and address emerging problems before they result in significant or widespread harm.”²⁷⁴

To that end, the Consent Decree obligated CDP to hire a Data Collection and Analysis Coordinator (the “Data Coordinator” or “Coordinator”) to help ensure that CDP maintains the required information in a manner that “facilitate[s] transparency and . . . broad public access to information related to CDP’s decision making and activities.”²⁷⁵ The Coordinator is specifically tasked with ensuring the collection and tracking of all information related to uses of force, search and seizure practices, and allegations of misconduct. The Coordinator will create and maintain “a reliable and accurate electronic system to track” use of force-related data and search and seizure information.²⁷⁶

The Coordinator also is “responsible for the routine reporting of relevant data” to various entities within the Division²⁷⁷; conducting annual assessments of both use of force and investigatory stop data²⁷⁸; and analyzing Division practices for potential disproportionate or disparate impacts with respect to “race, ethnicity, gender, disability, sexual orientation, or gender identity.”²⁷⁹ These reports must “be made publicly available.”²⁸⁰

What Has Been Accomplished

Finding and hiring a qualified Coordinator was a priority from early on in the Consent Decree’s implementation, and CDP began a search in fall 2016. CDP elected to search for an individual from outside the department to fill the position. The Parties and the Monitoring Team collaborated to develop an appropriate job description, and the job was posted online. That initial search, lasting a number of months, did not produce any qualified candidates for the role.

Consequently, in February 2017, CDP finalized a two-year consulting arrangement with Dr. Dan Flannery of the Begun Center at Case Western Reserve University to serve as an interim Data Collection and Analysis Coordinator and to begin building capacity for when the full-time position would be filled.

Dr. Flannery and his team’s activities, as outlined in the first year of his contract, included “meetings with key stakeholders, a review of the baseline measures compendium, an initial data scan, a comprehensive data mapping exercise, initial data analysis and quality assurance validation, development of a codebook with all data points, technical assistance on CDP data migration and integration efforts, and preliminary baseline reports for any available data related to use of force, crisis intervention, community engagement, civilian complaints, and stop, search and arrest data.”²⁸¹

²⁷⁴ DOJ Findings Letter at 28.

²⁷⁵ Dkt. 7-1 at ¶ 257.

²⁷⁶ Dkt. 7-1 at ¶¶ 259-60.

²⁷⁷ *Id.* at ¶ 261.

²⁷⁸ *Id.* at ¶¶ 263, 264, 266.

²⁷⁹ *Id.* at ¶ 265.

²⁸⁰ *Id.* at ¶ 267.

²⁸¹ Second Semiannual Report at 57.

In September 2017, the Division hired Rania Issa, Ph.D. as the new full-time Data Collection and Analysis Coordinator. Dr. Issa has worked closely with Dr. Flannery and his team to build the capacity within the Division of Police to engage in evidence-based, strategic management of public safety and the Division's daily performance.

Where the Division Stands

During the current reporting period, Dr. Issa and Dr. Flannery have continued to meet regularly with CDP leadership. At the meetings, the Coordinator has continued to present thorough analyses of use of force data, including trends on the number of force incidents reported by month, as well as trends on the timeliness of reviews of use of force reports. The analysis can be disaggregated by month and by CDP District, allowing the Division to identify and focus on particular areas of improvement.

Currently, the Parties, Division, and Monitoring Team convene for monthly meetings that address current trends and numbers with respect to the Division's performance. As time has progressed, the available information has become more detailed, accurate, and comprehensive. **The Monitoring Team is pleased with the tangible progress that the Division has made with respect to capturing, aggregating, and analyzing data on officer performance.**

Progress and Tasks That Remain

CDP generates useful information about crime and crime data, which is distributed to command staff on a weekly basis. However, urban police departments across the country – especially those dealing with violent crime issues – are decentralizing the data function so that individual districts or precincts have data experts in-house to help set neighborhood-specific crime and public safety priorities and manage officer performance in real-time.²⁸² The Monitoring Team reiterates that “CDP needs to make a wholesale ramping up and upgrading of its information support functions . . . as doing so will enhance its ability to respond to public safety issues and to manage itself in the manner that the Consent Decree requires.”²⁸³

In this way, CDP must be able to take the analysis provided by the new Coordinator and Dr. Flannery to inform the Division's management decisions. The Monitoring Team has been impressed by Dr. Issa and Dr. Flannery's analyses. It is not yet clear to the Team how the CDP uses and acts on the new information that has been made available to it. In short, the Division has substantial work ahead of it to ensure that the role of data within the Division is not just to be chased down by a consultant and staff member for the purposes of Consent Decree compliance. Instead, data should be at the core of how the Division evaluates community needs, how it polices and organizes its activities, and how it gauges precisely how well it is doing in meeting its strategic goals.

The Third-Year Monitoring Plan anticipates that the Division and the Data Coordinator will draft an assessment report, or topical assessment reports, by January 18, 2019.²⁸⁴ Meanwhile, the Parties and Monitoring Team will be continuing to convene monthly to discuss data trends and ongoing efforts to make information about officer

²⁸² See, e.g., Stacy St. Clair, “CDP to Launch New Support Centers to Analyze District-Level Shootings,” *Chicago Tribune* (Oct. 1, 2017), available at <http://www.chicagotribune.com/news/local/breaking/ct-met-chicago-police-strategic-support-center-20171001-story.html>.

²⁸³ Fourth Semiannual Report at 83.

²⁸⁴ See Dkt. 195-1 at 14.

performance more precise, timely, and useful to the Division – both for purposes of the Consent Decree and for management generally.

C. Public Availability of CDP-Related Information

Paragraph	Status of Compliance
267. “[A]ll CDP audits, reports, and outcome analyses related to the implementation” of the Consent Decree will be public.	NON-COMPLIANCE
268. “CDP will post its policies and procedures, training plans, community policing initiatives, community meeting schedules, budgets, and internal audit reports on its website.”	PARTIAL COMPLIANCE

Background

The Consent Decree requires that CDP’s “policies and procedures, training plans, community policing initiatives, community meeting schedules, budgets, and internal audit reports” be posted on CDP’s website.²⁸⁵ Likewise, “[t]o ensure transparency in the implementation of” the Decree, “all CDP audits, reports, and outcome analyses related to the implementation of this [the Consent Decree] will be made publicly available, including at the City and CDP websites.”²⁸⁶

What Has Been Accomplished

Initially, after regularly monitoring the Division’s website, the Monitoring Team concluded in April 2016 that “little to none of the required information that should have been available—including existing CPD policies and procedures, training plans to satisfy state-imposed certification requirements, community meeting schedules, budget materials, and any internal reports—in a finalized form had been posted.”²⁸⁷ At the time, the Team received assurances from the City and CDP that they were working on a mechanism for the Division to be able to more easily post relevant information on its website.

Shortly thereafter, the City and Division posted “extensive new material” to the Division’s website, “with the public now able to view policies, reports, and materials related to the Consent Decree.”²⁸⁸ The City of Cleveland’s website links visitors to the “DOJ Settlement Agreement Data.”²⁸⁹ The information that is posted by the CDP are documents that have been produced by the Monitoring Team and the Cleveland Community Police Commission, as well as General Police Orders, court filings, and status reports.²⁹⁰

²⁸⁵ Dkt. 7-1 at 1; id. ¶ 268.

²⁸⁶ Dkt. 7-1 ¶ 267.

²⁸⁷ First Semiannual Report at 51.

²⁸⁸ Second Semiannual Report at 53.

²⁸⁹ City of Cleveland, Division of Police, Police Settlement Agreement, <http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/PublicSafety/Police/PoliceSettlementAgreement> (last accessed April 25, 2018).

²⁹⁰ See Third Semiannual Report at 58.

However, “[w]hat is not available, or easy to find, are audits, budgets, and outcome analysis reports.”²⁹¹ In its Third Semiannual Report, the Monitoring Team “recommend[ed] that the CDP re-double its efforts to post these materials – as well as focus on making it easier for the average user to navigate the website and find the relevant materials.”²⁹²

Separately, as this report discusses in the context of body cameras, the Monitoring Team has identified a need for the Division to have a general operating policy with respect to the public availability of the Division’s records and information – addressing not just the release of body camera footage but the transparency and availability of a host of records, information, and data. Departments elsewhere are going to great lengths to collaborate dynamically with their communities to set clear expectations, in advance of an incident occurring or an information request arising, about what it can or will release and what it cannot or will not make available. Knowing what to expect and how to proceed in advance leads to better outcomes for community members and the Division. The Monitoring Team looks forward to the Division making progress on a general policy on the public availability of CDP-related information in the upcoming reporting periods.

Where the Division Stands

Since its last report, the Monitoring Team has not observed any recent material changes, one way or another, in the public availability of audits, budgets, and outcome reports. The Team also is not aware of efforts to make General Police Orders, divisional notices, and other internal documents articulating the Division’s policies and processes more navigable and accessible.

CDP has begun to post some Consent Decree-related documents on its website with some regularity, and the Monitoring Team acknowledges and commends the Division and City. Nevertheless, the Division and City must continue to take steps forward “to transform itself from a department too often fearful of providing information and data to the public to one that quickly, fairly, and transparently provides the community with updates on its activities and performance—whether good, bad, or otherwise.”²⁹³ As the Team has previously noted, “[i]n an era where police departments are increasingly making their policies more easily navigable, we look forward to assisting the Division with focusing on efforts geared toward enabling the public to better understand expectations for police officers and public safety services in Cleveland.”²⁹⁴

Progress and Tasks That Remain

As indicated above, the City must make all CDP audits, reports, and outcome analyses related to the implementation of the Consent Decree public. The Division must also establish a general policy for the release or provision of records, data, or information to the public.

²⁹¹ *Id.*

²⁹² *Id.*

²⁹³ Second Semiannual Report at 53.

²⁹⁴ Fourth Semiannual Report at 95 (citing Seattle Police Department Manual (online), <https://www.seattle.gov/police-manual>; Cincinnati Police Department Procedure Manual (online), <https://cincinnati-oh.gov/police/departments-references/police-department-procedure-manual/>; Los Angeles Police Department Manual (online), http://www.lapdonline.org/lapd_manual/; Chicago Police Department Directives System (online), <http://directives.chicagopolice.org/directives/>).

XI. OFFICER ASSISTANCE & SUPPORT**A. Training**

Paragraph	Status of Compliance
269. "CDP will ensure that officers receive adequate training to understand: (a) how to police effectively and safely in accordance with CDP policy; [and] (b) the requirements of this Agreement, Ohio law, and the Constitution and laws of the United States," including in the areas of "procedural justice, bias-free policing, and community policing."	PARTIAL COMPLIANCE
270. "CDP will expand the scope and membership of the Training Review Committee."	PARTIAL COMPLIANCE
271-72. "[T]he Training Review Committee will develop a written training plan for CDP's recruit academy, probationary field training, and in-service training" that addresses a host of specific, expressly-identified issues.	NON-COMPLIANCE
273. "The Training Plan and schedule will be implemented once any objections have been resolved" on a yearly basis.	PARTIAL COMPLIANCE
274. "The Training Review Committee will annually review and updated CDP's training plan" by "conduct[ing] a needs assessment" that addresses a number of specific, expressly-identified data and information on real-world trends, needs, policy, and law.	NON-COMPLIANCE
275. "CDP's Commander responsible for training" will be in charge of "all CDP training.	PARTIAL COMPLIANCE
276. "CDP will designate a single training coordinator in each District. The Commander responsible for training will establish and maintain communications with each District training coordinator to ensure that all officers complete training as required and that documentation of training is provided to the" training Commander.	PARTIAL COMPLIANCE
277. "CDP will develop recruit academy and in-service curricula that comport with" the Training Plan and Consent Decree requirements.	PARTIAL COMPLIANCE
278. "[T]he training required under this Agreement . . . will be delivered within two years of the Effective Date."	EVALUATION DEFERRED
279. "For all other substantive updates or revisions to policy or procedure, CDP will ensure and document that all relevant CDP personnel have received and read the policy or procedure. Notification of each revision or update will include the rationale for policy changes and the difference between the old and updated policy."	PARTIAL COMPLIANCE
280. Training Commander reviews all training materials; ensures that they use "a variety of adult learning techniques, scenario-based training, and problem-solving practices"; and "ensure that all curricula, lesson plans, instructor's qualifications, and testing materials are reviewed by the Training Review Committee."	PARTIAL COMPLIANCE
281. "CDP will ensure that instructors are qualified and use only curricula and lesson plans that have been approved by the" Training Commander.	PARTIAL COMPLIANCE
288. "CDP will document all training provided to or received by CDP officers," with officers "sign[ing] an acknowledgement of attendance or digitally acknowledge[ing] completion of each training course," which "will be maintained in a format that allows	EVALUATION DEFERRED

for analysis by training type, training date, training source, and by individual officer name.”	
289. “CDP will develop and implement a system that will allow the Training Section to electronically track, maintain, and produce complete and accurate records of current curricula, lesson plans, training delivered, and other training materials in a centralized electronic file system.”	PARTIAL COMPLIANCE
290. “CDP will develop and implement accountability measures . . . to ensure that all officers successfully complete all required training programs in a timely manner.”	PARTIAL COMPLIANCE
282. “CDP will revise, as necessary, its field training program for graduates of the police academy to comport with” the Training Plan and Consent Decree.	NON-COMPLIANCE
283. “The field training program will incorporate community and problem-oriented policing principles, and problem-based learning methods.”	NON-COMPLIANCE
284. Review and revision of Field Training Officer (“FTO”) “participation policy to establish and implement a program that effectively attracts the best FTO candidates” and “revise eligibility criteria” for FTOs.	NON-COMPLIANCE
285. New FTOs and Field Training Sergeants must “receive initial and in-service training that is adequate in quality, quantity, scope, and type, and that addresses” a number of specific, expressly-listed topics and conforms to a number of additional features or requirements.	NON-COMPLIANCE
286. “CDP will create a mechanism for recruits to provide confidential feedback regarding the quality of their field training,” and the Division “will document its response, including the rationale behind any responsive action taken or decision to take no action.”	NON-COMPLIANCE
287. “Training Review Committee will, on an annual basis, analyze all aspects of CDP’s FTO program,” “consider emerging national policing practices in this area,” and “recommend, and CDP will institute, appropriate changes to policies, procedures, and training related to its FTO program.”	NON-COMPLIANCE

Background

High-quality training is critical in shaping officer expectations about how they should perform. As the Team described in the First Semiannual Report, “high-quality and robust training throughout an officer’s career is a linchpin to ensuring safe, effective, constitutional, and community-based policing.”²⁹⁵ Training must adequately address the full scope of an officer’s expected duties, the situations they may find themselves in, the techniques they may be called upon to use, and the values that their performance should embody. Indeed, there is widespread agreement that, given the broad mandate and diverse duties assigned to today’s law enforcement officers, “expanded and more effective training” should be an area of focus for many police departments.²⁹⁶

During DOJ’s 2014 investigation, many CDP officers said “they do not receive enough training, especially scenario-based training and training on appropriate techniques to control subjects.”²⁹⁷ CDP did not routinely provide up-to-date training on new and revised policies, with no training on revised policies provided until the next, isolated

²⁹⁵ First Semiannual Report at 52.

²⁹⁶ President’s Task Force on 21st Century Policing, Final Report (2015) at 3.

²⁹⁷ DOJ Findings Letter at 44.

week of annual in-service training.²⁹⁸ As policies were introduced or revised, officers “did not understand why [changes were] made or how [they] should be implemented.”²⁹⁹

Thus, the Consent Decree focuses on officer training in two different ways. First, it relies on comprehensive officer training to introduce CDP personnel to new requirements or expectations of Decree-required policies or initiatives – on things like use of force, crisis intervention, and search and seizure. High-quality, immersive training is necessary to have officers understand and feel comfortable with new expectations. Second, the Decree requires a number of changes to the Division’s ongoing, structural capacity to train and educate its officers – focusing on things like the Academy curriculum used for training new personnel, the Field Training Officer program for training and overseeing newly-minted Academy graduates, and a Training Review Committee to set and coordinate training priorities based on the Division’s needs.

Specifically, the Consent Decree, at the start of implementation, required that CDP complete the following training initiatives:

- Annual “use of force in-service training that is adequate in quality, quantity, type, and scope” for “all officers”,³⁰⁰
- Use of force training for supervisors on “conducting use of force investigations; strategies for effectively directing officers to minimize uses of force and to intervene effectively to prevent or stop unreasonable force; and supporting officers who report unreasonable or unreported force, or who are retaliated against for attempting to prevent unreasonable force”,³⁰¹
- Community and problem-oriented policing principles for all officers,³⁰²
- Initial training for all officers on bias-free policing,³⁰³
- Initial, supervisor-specific training on bias-free policing,³⁰⁴
- Annual follow-up “training on bias-free policing that is adequate in quality, quantity, type, and scope”,³⁰⁵
- Training that “teach[es] proper techniques for unholstering, displaying, pointing, and aiming a firearm, and for determining when it is appropriate to do so”,³⁰⁶
- “[A]t least 16 hours of firearms training which will include pistol, shotgun, and policy training,” including “night, reduced light, and stress training” for “each firearm they are authorized to use or carry on-duty”,³⁰⁷
- Annual ECW (taser) certifications that include, among other things, “scenario-based training” with the ECW,³⁰⁸

²⁹⁸ See *id.*

²⁹⁹ *Id.*

³⁰⁰ Dkt. 7-1 ¶ 86.

³⁰¹ *Id.* ¶ 84(l).

³⁰² *Id.* ¶ 30.

³⁰³ *Id.* ¶¶ 39–40.

³⁰⁴ *Id.* ¶ 41.

³⁰⁵ Dkt. 7-1 ¶ 42.

³⁰⁶ *Id.* ¶ 55.

³⁰⁷ *Id.* ¶ 60.

³⁰⁸ *Id.* ¶ 74.

- Members of the forthcoming, dedicated Force Investigation Team (“FIT”) with “FIT-specific training that is adequate in quality, quantity, scope, and type” and that covers a host of specific areas or issues;³⁰⁹
- Initial and ongoing training for members of the forthcoming Force Review Board;³¹⁰
- Annual training on crisis intervention for all CDP officers;³¹¹
- Training for specialized Crisis Intervention Team officers;³¹²
- Initial and annual training on search and seizure, CDP’s policies on search and seizure, and the Fourth Amendment;³¹³
- Initial and annual training for Internal Affairs investigators;³¹⁴
- Initial and annual “in-service training that is adequate in quality, quantity, scope, and type, and that addresses management and supervision; community-oriented policing; effective problem-solving techniques; and field communication” for Field Training Officers and Field Training Sergeants;³¹⁵
- General and ongoing “supervisory training for all new and current supervisors” that is “adequate in quality, quantity, type, and scope” and covers a number of specifically-identified topics;³¹⁶
- All officers with training on the forthcoming, updated Officer Intervention Program (“OIP”),³¹⁷ and
- All officers with training on using body-worn cameras per the Division’s policy.³¹⁸

This is undoubtedly a much higher volume of training than the Division previously had been accustomed to providing. Some of this training is initial, isolated training to get things “up and running” and may not need to be repeated in the same comprehensive way going forward. However, many other **training expectations set by the Decree constitute a “new normal” and the standard against which the Division will need to strategically and affirmatively identify its training needs and design and implement interactive, high-quality training for officers**, to better enable them to adhere to the expectations of the Division and the Cleveland community.

The Consent Decree also requires the Division to “develop and implement a system that will allow the Training Section to electronically track, maintain, and produce complete and accurate records of current curricula, lesson plans, training delivered, and other training materials in a centralized electronic file system.”³¹⁹

³⁰⁹ Dkt. 7-1 ¶ 113.

³¹⁰ *Id.* ¶ 125.

³¹¹ *Id.* ¶ 144.

³¹² *Id.* ¶¶ 145–48, 150.

³¹³ *Id.* ¶¶ 173–75.

³¹⁴ Dkt. 7-1 ¶¶ 180–81.

³¹⁵ *Id.* ¶ 285.

³¹⁶ *Id.* ¶¶ 323–24.

³¹⁷ *Id.* ¶ 336.

³¹⁸ *Id.* ¶ 337.

³¹⁹ Dkt. 7-1 at ¶ 289.

What Has Been Accomplished

1. Training Review Committee

By requiring the establishment and active engagement of a Training Review Committee (“TRC” or “the Committee”), the Consent Decree recognizes that ongoing, in-service training for current officers is a critical function for which the Division needs to be strategic and responsive to the needs of its personnel. Specifically, the Decree requires that CDP officers receive no fewer than 40 hours of in-service training annually, with year-to-year training priorities, needs, and commitments established by the Committee.³²⁰ The Committee is responsible for completing an annual Training Plan identifying what training officers will receive in the upcoming year and to meet regularly to discuss how to integrate lessons learned across the Division into training initiatives.³²¹

Early in the Decree’s implementation, the Division created a new policy outlining the TRC’s duties and obligations. Responsible for “develop[ing] comprehensive, annual plans relating to the specific training programs that CPD will provide its officers and continually evaluat[ing] the quality of the Division’s training,” the TRC is “comprised of members of the Division’s Training section; designated District-level training coordinators, who serve as a local point of contact about training issues for officers; union representatives; and members of the Community Police Commission.”³²² This Committee is imagined to be the hub for the Division’s identification of training needs and setting training priorities.³²³ The Court approved the new TRC policy in April 2016.

2. 2017 In-Service Training (Use of Force, Crisis Intervention Training)

CDP submitted to the Monitoring Team its 2017 In-Service Training Plan, which was to have outlined the full scope of training programs that officers would receive in the way of ongoing professional training. The Team provided feedback and continued to work with CDP and the Parties to further define and refine the areas of focus for training in the 2017 calendar year.

A significant amount of work in the 2017 In-Service Training Plan focused on the Division’s new use of force policies and on crisis intervention. This report elsewhere discusses in detail the Division’s significant success in designing, implementing, and completing this training for all officers on CDP’s new use of force policies and on crisis intervention. Again, the completion of these major training initiatives constituted a critical milestone, and the Monitoring Team was pleased with the Division’s level of commitment and focus on completing this training.

3. Learning Management System

To fulfill the Decree’s requirement of “a centralized electronic file system”³²⁴ to store training materials and track officer training completion, the CDP and the City elected to implement a Learning Management System (“LMS”). As a basic matter, LMS will enable the Division to more precisely track officers’ completion of training – allowing CDP and the City to have greater assurance that all officers have received the same instruction on performance expectations going forward.

³²⁰ *Id.* at ¶ 271.

³²¹ *Id.* at ¶¶ 270–81.

³²² Dkt. 55 at 1.

³²³ Third Semiannual Report at 61.

³²⁴ Dkt. 7-1 at ¶ 289.

The LMS provides a great deal more in the way of training capabilities, however. Through the platform, officers will be able to complete interactive, electronic training initiatives – with officer learning able to be tested and completion automatically tracked. This represents an important supplement to in-class training that will no doubt prove to be an integral part of numerous training initiatives in the coming year. The active use of the LMS will allow the Division to provide customized training, tailored to the needs of officers and the City, without needing to wait many months to provide in-class instruction to officers. Although there can be no substitute, in some areas, for interactive, scenario-based training, refresher training, follow-up instruction, and smaller instructional modules are ideal for this electronic environment.

The Division developed a policy outlining the scope and proposed use of the CDP's LMS System, which was approved by the Court on March 23, 2018.³²⁵

4. Training Staffing

Another important investment that the Division is making in its training function is the addition of eight officers to assist in in-service training in 2018 at the request of the Training Section.³²⁶ These additional resources will be critical to the Division making progress in communicating new expectations to officers about revised policies. The Monitoring Team commends CDP for proactively prioritizing staffing in this area.

Where the Division Stands

During the current reporting period, the Parties, CDP, and Monitoring Team engaged in productive, collaborative discussions about officer training initiatives in 2018. In April 2018, the Division submitted initial drafts of lesson plans covering crisis intervention, bias-free policing, and community engagement and problem-solving skills. Following further revisions and agreement by the Parties, the Monitoring Team submitted the lesson plans for the Court's approval on July 13, 2018. The Division began its 2018 in-service training on July 16, 2018.

Now that the Learning Management System database is operational, concrete outcome assessment numbers in the area of officer training can now be reported. In 2017, some 1,354 officers received Consent Decree training – which translates to 94 percent of the police force. The 6 percent of officers who did not successfully complete training were almost exclusively officers who were out on extended leave, retired during the time period, or otherwise had some similarly valid justification for not participating in the training. The few officers without such justification are the subject of misconduct investigations.

In training in 2017, officers completed anonymous surveys at the conclusion of required training. Some 87% of officers indicated that their instructors were adequate and increased their understanding of course material. Separately, 87% said that the content of the training was adequate, incorporating scenarios that were practical. Nearly two-thirds (63%) of officers indicated that they would perform differently based on skills and knowledge gained. And, overall, nearly four out of five officers (79%) said that they found the training to be valuable.

³²⁵ Dkt. 194.

³²⁶ These eight additional instructors do not include guest instructors who conduct specific courses (such as on First Aid).

Although the Monitoring Team does not have numbers from prior years as a point of comparison, it has previously reported on the extremely positive reactions and responses of officers to the Division's use of force and crisis intervention training initiatives in 2017.³²⁷ From a qualitative perspective, the Monitoring Team continues to be encouraged by the Division's adoption of new, scenario-based training and officer enthusiasm for such programs. So long as the Division and its Training Section continue to invest time, attention, and resources to the development of the other training that the Decree requires in the coming years, the Monitoring Team has no reason to believe that officer training will be an impediment to Substantial and Effective Compliance.

Progress and Tasks that Remain

1. Use of the Training Review Committee

As described above, the Decree contemplates that the center for the Division's training activities and planning be the Training Review Committee. At the Committee's first meeting at CDP Headquarters on April 5, 2016, Monitoring Team members were "encouraged by the immediate level of active engagement exhibited by CPD personnel, union representatives, and CPC commissioners."³²⁸

However, over time, the Committee has struggled to launch in earnest. The Monitoring Team's Third Semiannual Report in June 2017 reported that "changes in leadership in the Training Section have frustrated the Division's efforts to establish the Training Review Committee as the locus of activity with respect to identifying training needs, setting priorities, and determining what training initiatives need to happen when."³²⁹

The Monitoring Team continues to be disappointed that "responsibility for planning for ongoing, in-service training" has not been "shared much more broadly and throughout the Division," via the Committee, "rather than residing solely with a historically understaffed Training Section."³³⁰ The Monitoring Team has requested to receive all communications related to the activities of the Committee and kept apprised of its activities. Over the past six months, the Monitoring Team was made aware of one meeting of the Review Committee. Materials distributed and discussed, briefly, in the context of the meeting were not necessarily even the latest versions of various training curricula. Little to no time was spent on discussing upcoming or ongoing training needs, or a strategic approach to various training programs upcoming.

At this point, the Training Review Committee appears to exist only on paper, despite it being the first policy that was completed and approved during the Consent Decree's implementation. The Monitoring Team has made clear, including elsewhere in this report, that the reduction of various requirements or expectations to paper in the form of a new policy is a foundational step but is, by no means, the end point toward compliance. Policies need to be meaningfully, actively, and comprehensively implemented – across time and in a manner where it becomes clear that they are having an impact in the real world. Having a policy on the books that is ignored or circumvented is not sufficient. The Committee must play an active role not simply because the Consent Decree requires it but because the Training Section needs to have the input and assistance of individuals from across the Division – in

³²⁷ Fourth Semiannual Report at 26, 45.

³²⁸ First Semiannual Report at 52.

³²⁹ Third Semiannual Report at 61.

³³⁰ *Id.*

setting priorities, developing training, and gauging whether specific training initiatives or measures have, in fact, worked as intended.

Consequently, the Monitoring Team changes its summary assessments involving the Training Review Committee to “non-compliance,” with the exception of the requirement involving the Committee’s membership, which is classified as “partial compliance” because the policy doing so is, at least technically, on the books.

2. Training Staffing & Resources

Plans for the Division to have five recruit classes during 2018 continue to risk stretching the Training Section exceptionally thin – and potentially compromising the ability for CDP to do the full scope of training necessary to make sufficient progress on the host of initiatives outlined above. The Monitoring Team has urged that CDP seriously consider devoting additional resources to the Training Section to ensure that it can balance both the critical and extraordinary demands of training up five recruit classes while making sufficient progress on the Consent Decree.

The Monitoring Team reiterates here that, “[u]ndoubtedly[,] the scope of the training that the Division will need to provide – and that the City will need to pay for – under the agreement that the City and the United States reached is significant.”³³¹ As it has indicated before, this means ongoing changes in “resource allocation” and the general “approach . . . going forward.”³³² Especially in light of the extraordinarily successful use of force and crisis intervention training initiatives completed in 2017, all stakeholders can have expanded confidence that a dollar spent on allowing officers to develop and practice skills readily applicable to the real world is, arguably, the strongest investment that Cleveland may make in enhancing officer satisfaction, expanding community trust, and addressing public safety.

3. Academy Training and Field Training Program

Along with requirements for annual in-service training for existing CDP officers, the “Consent Decree . . . contains certain obligations relating to the training of new officers at the Academy.”³³³ Likewise, it contains provisions relating to the Division’s field training program, in which recent Academy graduates participate during their early days on the force.³³⁴

Given the scope of the in-service training that the Decree requires, the City and Division’s focus for the first half of the Decree’s implementation has been on developing and implementing core training for current CDP officers. New CDP recruits were provided with the completed 2017 use of force training during their Cleveland-specific time with CDP personnel after completing the Ohio State Patrol Academy, and basic training on crisis intervention was addressed through a 16-hour state course at the Patrol Academy, as well.³³⁵

New recruits proceeding through the Academy in one of five projected classes in 2018 are back to being trained in Cleveland rather than the Ohio State Patrol Academy. Although the Consent Decree process has not

³³¹ Third Semiannual Report at 61.

³³² *Id.*

³³³ Dkt. 97 at 55; Dkt. 7-1 ¶¶ 271, 275, 277.

³³⁴ Dkt. 7-1 ¶¶ 282–87.

³³⁵ Dkt. 97 at 55.

comprehensively focused on the whole of the new recruit training curriculum, recruits have received and will continue to receive the training on topics like use of force and crisis intervention previously provided to all CDP officers.

B. Equipment & Resources

Paragraph	Status of Compliance
291. "The City will implement" paragraphs regarding equipment and resources in order to allow implementation of the Consent Decree "and to allow officers to perform their jobs safely, effectively, and efficiently."	PARTIAL COMPLIANCE
292. "CDP will complete a comprehensive equipment and resource study to assess its current needs and priorities," and it "will develop an effective, comprehensive Equipment and Resource Plan that is consistent with its mission and that will allow it to satisfy the requirements of this Agreement."	PARTIAL COMPLIANCE
293. "CDP's Equipment and Resource Plan will provide for necessary equipment including, at least" "an adequate number of computers"; "an adequate number of operable and safe zone cars"; "zone cards with reliable, functioning computers that provide officers with up-to-date technology" including computer-aided dispatch, the records management system, and various core law enforcement systems; and "zone cards equipped with first-aid kits." "This plan also will ensure that CDP properly maintains and seeks to continuously improve upon existing equipment and technology; and is appropriately identifying equipment needs and seeking to utilize, as appropriate, emerging technologies."	PARTIAL COMPLIANCE
294. "CDP will actively seek input and feedback from the Commission, patrol officers, and supervisors regarding resource allocation, equipment needs, and technological improvements."	NON-COMPLIANCE
295. "City and CDP" must "us[e] best efforts to implement the Equipment and Resource Plan as required."	PARTIAL COMPLIANCE
296. "CDP will . . . implement an effective, centralized records management system."	PARTIAL COMPLIANCE
297. "CDP will utilize a department-wide e-mail system to improve communication and information sharing."	PARTIAL COMPLIANCE
298. "CDP will employ information technology professionals who are trained to conduct crime and intelligence analysis, who are capable of troubleshooting and maintaining information technology systems and who can identify and suggest appropriate technological advancements."	PARTIAL COMPLIANCE
299. "CDP will implement an effective employee assistance program that provides officers ready access to the mental health and support resources necessary to facilitate effective and constitutional policing."	PARTIAL COMPLIANCE

Background

The DOJ's 2014 investigation found that CDP officers lacked “the basic equipment, the physical structures, and the technology required to perform their jobs safely and effectively.”³³⁶ As an example, officers lacked effective zone car computers or Mobile Data Computers (“MDCs”) to run a license plate during a vehicle stop and consequently relied on their personal cell phones “to talk with their supervisors, to run checks on license pla[t]es and suspects, to find locations, and to take photographs.”³³⁷ The investigation noted that the lack of “adequate technology” and “a sufficiently professional workspace” ultimately “is dangerous to the officer, undermines public safety and is unfair.”³³⁸

Indeed, when the Monitoring Team began its oversight, it became clear that “many of the areas that the Division must address . . . are basic technology platforms that Cleveland was overdue to address regardless of whether there had been a Consent Decree[.]”³³⁹ Thus, many of the technology systems that the Consent Decree process focuses on are things that undoubtedly help the Division to implement the Decree – but most squarely help the Division and its personnel in carrying out their day-to-day policing functions.

To address the Division's equipment and resource needs, the Consent Decree required CDP to first “complete a comprehensive equipment and resource study to assess its current needs and priorities to perform the functions necessary for CDP to fulfill its mission and satisfy the requirements” of the Decree.³⁴⁰ Subsequent to that study, the City of Cleveland must “develop an effective, comprehensive Equipment and Resource Plan that is consistent with its mission and that will allow it to satisfy the requirements of this Agreement.”³⁴¹

As the Monitoring Team summarized on numerous occasions, the Plan must “provide for necessary equipment including, at least . . . an adequate number of computers; an adequate number of operable and safe zone cars; zone cars with reliable, functioning computers that provide officers with up-to-date technology, including” mobile computer-aided dispatch (“CAD”), access to the Division's records management system (“RMS”), and access to law enforcement databases; and “zone cars equipped with first-aid kits”³⁴² It must address how the Division will satisfy the other substantive requirements of the Decree.³⁴³ It likewise must “ensure that CDP” both “properly maintains and seeks to continuously improve upon existing equipment and technology” and “is appropriately identifying equipment needs and seeking to utilize, as appropriate, emerging technologies.”³⁴⁴

What Has Been Accomplished

On April 21, 2016, CDP completed an initial Equipment & Resource Study to “assess its current needs and priorities to perform the functions necessary for CPD to fulfill its mission and satisfy” the Consent Decree's

³³⁶ DOJ Findings Letter at 54-55.

³³⁷ *Id.* at 56.

³³⁸ *Id.* at 54.

³³⁹ First Semiannual Report at 55.

³⁴⁰ Dkt. 7-1 at ¶ 292.

³⁴¹ Dkt. 7-1 ¶ 292.

³⁴² *Id.* ¶ 293.

³⁴³ *Id.* ¶ 292.

³⁴⁴ *Id.* ¶ 293.

obligations.³⁴⁵ The Parties and Monitoring Team agreed that the Monitoring Team and DOJ would closely review the study while the Division and City turned their immediate priorities to the upcoming Republican National Convention. The stakeholders would resume substantive discussions in August 2016.

After reconvening in August and discussing the findings of the Equipment & Resource Study, the City prepared and submitted an Equipment and Resource Plan on November 25, 2016. After reviewing the submitted Plan, the Monitoring Team filed a motion with the Court indicating that the Team could not yet approve the Plan. Based on the Team's collective experience with technology and equipment initiatives in other major American police departments, the Monitoring Team found that the initial Plan lacked specific deadlines and details about actors responsible for various deliverables, failed to address various of the Decree's specific requirements about specific technologies, and did not account for interdependencies across projects.³⁴⁶ Details that the Plan did provide around precinct-based computer, the necessary Computer-Aided Dispatch ("CAD") platform upgrade, and the Division's patrol cars were inadequate in their scope and detail.³⁴⁷

At a status conference on January 6, 2017, the Court instructed the City to work with the DOJ and Monitoring Team to develop a more detailed and comprehensive Equipment and Resource Plan. Between January 2017 and late April 2017, the City submitted multiple revisions of the Plan in an effort to address the concerns raised by the Monitor. The City submitted a final proposed Plan submitted on April 17, 2017.³⁴⁸

On May 3, 2017, the Monitoring Team approved a number of elements of the Plan but indicated that some elements needed additional work. Specifically, the Monitoring Team approved certain parts of the Plan with respect to paragraphs 293(b), (c), and (d) of the Decree involving overdue upgrades to CDP's CAD platform and modernizing CDP's fleet of patrol vehicles (in terms of numbers, condition, and technology housed within patrol cars).

The Team did not approve the Plan with respect to paragraphs 292; 293(a), (e), and (f); 294; and 298. Of greatest importance, the Plan needed to outline a clear process for identifying emerging technology and equipment needs within the Division in the future – so that CDP would never again fall behind in giving officers the tools they need to do their jobs effectively, efficiently, and safely.

After conferring with the Monitoring Team, the City started to implement the parts of the submitted Equipment and Resource Plan that the Team found acceptable—principally, the implementation of the CAD upgrade and field-based reporting to the Division's learning management system, which will allow all officers to input reports directly from patrol cars rather than returning to the station—rather than immediately continuing to work on subsequent drafts of the Plan. In particular, the City persuasively proposed that it would learn and solidify many important things about its project management approaches for going forward from its experience of working on CAD and field-based reporting. As such, the Parties and Monitoring Team agreed that it would re-visit the Plan after the City was armed with lessons learned from the significant work of implementing CAD and field-based reporting across the Division.

³⁴⁵ Dkt. 43-1 at 48.

³⁴⁶ Second Semiannual Report at 56-58.

³⁴⁷ *Id.* at 58-59.

³⁴⁸ Dkt. 125-1.

Where the Division Stands

The Division has made notable strides in implementing the equipment, technology, and data systems necessary for contemporary law enforcement. During the current reporting period, the Division reached several important milestones with respect to technology, equipment, and resources. First, the Division successfully completed its “system go-live” of the comprehensive upgrade to its CAD system as of May 15, 2018. Districts are being trained and “rolled over” onto the new platform one at a time, with the last districts – Districts 1 and 5 – slated to be rolled over on August 27, 2018. The implementation of a modern CAD that allows for officers to be strategically and dynamically dispatched via their in-car computers is a notable technological enhancement that will substantially assist the City in better using officer time and resources and to better address public safety concerns.

Unlike the City’s implementation of its records management system (“RMS,” also known as “LERMS”) in the early part of the Consent Decree process, the project management of the CAD rollout has appeared structured, organized, and strategic. As of early July 2018, the Monitoring Team was not aware of major issues, aside from the periodic issues that arise when any organization transitions one of its most fundamental systems to a new platform. Consequently, we commend the individuals within City IT and within the Division for their coordination and commitment to this project implementation. Their performance in this area suggests that Cleveland has turned a corner when it comes to public safety IT project management.

Second, nearly all officers have completed initial training on using the Division’s new Learning Management System (“LMS”), which allows for tracking the completion of officer training and providing training programs electronically. This will allow, as discussed elsewhere, for the Division to train officers without needing to send them to in-class training – greatly expanding the CDP’s training capacity in a cost- and time-effective manner.

Third, other system upgrades have continued to be implemented. An upgrade to CDP’s time-keeping system went live, without significant issues, on June 21, 2018. An upgrade to the Division’s inventory management system is underway and continues on pace as of the end of June 2018.

The City has also made significant improvements to the Division’s inventory of cars, in-car computers (or mobile display terminal or “MDT”), and District computers. Under the City’s Enhanced Capital Vehicle Plan, developed in the context of the Decree-required Equipment and Resources Plan, 225 new marked zone cars will be added over a 5 year period. The City is on track to meet that goal. In 2017, CDP ordered and received 65 new capital vehicles, 45 of which were marked zone cars that were distributed throughout the Districts to replace aging fleet. In 2018, CDP ordered and received 63 new capital vehicles, 45 of which were marked zone cars.

CDP has also completed an assessment of its zone car fleet to identify which cars lacked MDTs. The City purchased 87 MDTs for vehicles in good and fair condition that did not have MDTs. Currently, all front line zone car vehicles in good and fair condition are equipped with MDTs. Vehicles in poor condition will be decommissioned rather than outfitted with new MDTs.

Additionally, the City and Division have made strides to ensure that CDP Districts have up-to-date computers in the Division’s statinos that will make it easier for officers to perform their tasks. All new staff members, new units,

and promotions receive new computers. Additionally, the City's PC refresh program replaces PCs that are older than five years. In 2017, the City identified and replaced 159 PCs throughout the Districts. In 2018, the City has identified and placed an order for 219 PCs throughout the Districts. The Division's next PC refresh cycle will be in 2021.

The City also has implemented a modern, Windows-based Records Management System that, along with CDP's improvements to MDTs in zone cars, allows officers to complete reports from the field (also known as Field Based Reporting). From September 12, 2017 through July 31 2018, the Division has entered 45,745 reports from the field. Officers would have needed to return to the station to complete all of these reports. Although some of the reports in RMS may still be completed in the station, the substantially higher volume of reports finalized in the field mean that officers are spending more time in the field and on patrol rather than running back and forth to the station for paperwork purposes. That is important progress. It is possible that these efficiencies will continue to provide officers for more time for community engagement and responding to calls for service.

The Division's officers are beginning to see some of the benefits of these changes, though this will continue to take some time to solidify. In the Monitoring Team's 2017 focus groups of officers, the state of the Division's resources stood in stark relief. Officers described stations and vehicles in disrepair. Officers were frustrated by CDP's lack of modern technology and the need to put pen to paper rather than use modern, electronic systems. In the not-too-distant past, some older computers were so old that it could take hours to upload footage from body-worn cameras. Thus, the successful adoption and implementation of these modern technological platforms promises to increase the sense among officers that they have the professional tools that they need to do their jobs.

Progress and Tasks that Remain

Under the Third-Year Monitoring Plan, a finalized Equipment & Resources Plan will be submitted to the Court for approval on September 7, 2018.³⁴⁹ Following its approval by the Court, CDP will continue to "us[e] best efforts to implement the Equipment and Resource Plan[.]"³⁵⁰ Ultimately, the Monitoring Team will need to see that all of the tasks and commitments outlined in the Plan are implemented successfully and that the new platforms are meaningfully used across time and officers.

C. Recruitment & Hiring

Paragraph	Status of Compliance
300. "CDP will review and revise . . . its recruitment and hiring program to ensure that CDP successfully attracts and hires a diverse group of qualified individuals."	PARTIAL COMPLIANCE
301. "The Mayor will work with the City Council to develop an ordinance to place a Charter Amendment on the ballot that would give the appointing authority greater flexibility in the selection of candidates from the certified eligibility list for the CDP."	GENERAL COMPLIANCE
302. "CDP will develop a recruitment policy and a strategic recruitment plan that includes clear goals, objectives, and action steps for attracting qualified applicants from	EVALUATION DEFERRED

³⁴⁹ Dkt. 195-1 at 12.

³⁵⁰ Dkt. 7-1 at ¶ 295.

a broad cross-section of the community” and meets certain specific, expressly-listed requirements.	
303. “The City will implement the recruitment plan within 60 days of it being approved by the Monitor.”	EVALUATION DEFERRED
304. “CDP’s recruitment plan will include specific strategies for attracting a diverse group of applicants,” including officers with various, specific, expressly-listed skills and backgrounds.	EVALUATION DEFERRED
305. “In developing and implementing its recruitment plan, CDP will consult with the [Community Police] Commission and other community stakeholders on strategies to attract a diverse pool of applicants.”	PARTIAL COMPLIANCE
306. “[O]bjective system for hiring and selecting recruits” that “employs reliable and valid selection criteria.”	PARTIAL COMPLIANCE
307. “CDP will report annually to the public its recruiting activities and outcomes,” which will include information on various, expressly-listed areas.	NON-COMPLIANCE
308. “[A]ll candidates for sworn personnel positions” will have “psychological and medical examination” and be subject to “drug testing.” Existing officers receive “random drug testing.”	OPERATIONAL COMPLIANCE
309. “CDP will conduct thorough, objective, and timely background investigations of candidates for sworn positions” that cover various, expressly-listed topics.	PARTIAL COMPLIANCE
310. “CDP will request to review personnel files from candidates’ previous employment and, where possible, will speak with the candidate’s supervisor(s)” and maintain any “salient information . . . in candidate’s file.”	OPERATIONAL COMPLIANCE
311. “If a candidate has previous law enforcement experience, CDP will complete a thorough, objective, and timely pre-employment investigation” addressing various expressly-identified things.	PARTIAL COMPLIANCE

Background

The Consent Decree’s changes to CDP relate primarily to structural and operational overhauls, whether relating to community policing strategies, bias-free principles, training, and so on. But CDP, like any organization, is made up of individual employees whose skills, demeanors, and perspectives ultimately determine the quality of service delivered. Thus, as the City and Division seek to execute a new vision of day-to-day policing in Cleveland, additional numbers of service-minded, community-oriented individuals will be needed to supplement the CDP’s existing force. New officers will need to possess strategic thinking and problem-solving skills, emotional maturity, interpersonal skills, and the ability to collaborate with a diverse cross-section of Cleveland’s communities.

Accordingly, the Consent Decree requires the City to “integrate community and problem-oriented policing principles” into its recruitment practices, and to “develop a recruitment policy and a strategic recruitment plan that includes clear goals, objectives, and action steps for attracting qualified applicants from a broad cross-section of the community . . . [and] establish[es] and clearly identif[ies] the goals of CDP’s recruitment efforts.”³⁵¹

³⁵¹ Dkt. 7-1 ¶ 302.

What Has Been Accomplished

The development of the City's Recruitment and Hiring Plan started early in the Consent Decree process. The City provided its first draft of the Recruitment and Hiring Plan on February 16, 2016. This draft was a general outline that lacked specific, measurable, actionable, realistic, and time-bound objectives. The Monitoring Team previously described that this early effort "suggested . . . both a lack of dynamic, outside-the-box thinking about how to attract diverse and qualified officers and a significant lack of a clear project management structure."³⁵² A revised draft submitted by the City on April 11, 2016 was a modest improvement but still failed to specify strategic objectives; did not indicate precisely how and which community stakeholders would be engaged; and outlined vague plans to measure the success of the overall recruitment initiative.

Given the substantial work that was still required to develop an adequate Plan, particularly with the immediate urgency of the CDP's preparation for the Republican National Convention, the Parties and Monitoring Team agreed to pause development of the Plan and resume it after the RNC. While the Parties deferred their attention on the Plan, the City proceeded to implement some discrete projects related to recruitment and hiring, including the implementation of an online application process and securing the services of outside vendors to assist in the testing of prospective recruits. These efforts were positive developments.

Following the RNC, the Parties and Monitoring Team resumed drafting of the Recruitment and Hiring Plan. Around that time, the Division shifted its police recruiting efforts from solely within CDP to the City's Department of Public Safety ("DPS"). Rather than the Division leading the recruiting effort for police specifically, DPS now recruits all of fire, police, EMS, and corrections officers.

DPS started work anew on the Consent Decree requirements related to recruitment and hiring. It collaborated with the Monitoring Team and DOJ for an intensive period in 2017 and into 2018 in an effort to create a recruitment plan that meets the expectations of the Decree. The Monitoring Team was tremendously pleased by the City's commitment to collaboration and exploration of new approaches in this process.

The City released a proposed final draft Recruitment and Hiring Plan to the public for review, input, comment, and feedback in May 2018. The 60-day period of engagement and input ended on August 10, 2018. The Monitoring Team expects to submit a Final Draft of the Plan to the Court in early September.

Where the Division Stands Now

1. Applicants

Because the City's recruitment plan is still being completed and was, until just a few days ago, still being reviewed by community members and stakeholders, the Monitoring Team cannot yet definitively compare "before" or "after" outcomes.

Nevertheless, the Monitoring Team has reviewed data that is collected from the City's Civil Service Commission ("CSC") and augmented by the Department of Public Safety. The recruitment and exam process changed in 2016

³⁵² First Semiannual Report at 59-60.

to an online registration, application, and testing system called NeoGov, an online software platform for the government and public sector that offers automated screening of candidates to facilitate the hiring process.

Overall applicant numbers provide reason for optimism. In 2017, there were 1,180 applicants for positions as a CDP officer. In absolute terms, this represents a 19% decrease from the 1,459 applicants that the City saw apply in 2016. However, and crucially, the City saw a significant jump – of some 138%, from 151 in 2016 to 359 in 2017 – in *qualified* applicants, which is the number of those who were hired plus those others whose names were certified and vetted for the Training Academy as indicated by the CSC. Thus, in 2017, the proportion of qualified applicants in the overall pool greatly increased.

At the same time, the number of candidates who failed the initial screening process dramatically *decreased* in 2017, from 1,294 in 2016 to 821 in 2017 – a 37% drop. This likewise suggests that the quality of applicants coming to the Division in the first place has substantially increased in a short period of time. Although there might be several explanations, the City's changes to the application process and to its recruitment efforts are likely one of the most plausible explanations for the numbers. The reasons for failing an initial screening (an application being rejected, failing the required agility test, and the like) remained relatively steady in 2017, proportionally speaking, compared to 2016.

Signs in 2016 that the applicant pool was diversifying have slowed somewhat in 2017, in absolute terms. In 2016, there were 518 black applicants, a 27% increase from 2015. Likewise, in 2016, 25% of applicants identified their gender as female, a small (2%) overall increase from 2015. The numbers for 2017 showed some backtracking, however, with 15 percent fewer black applicants and 14 percent fewer Hispanic applicants. There was a small jump in the number of female applicants, from 296 in 2016 to 298 in 2017.

However, these numbers speaking to the diversity of CDP applicants look somewhat different if situated in overall trends. For instance, the number of female applicants was essentially unchanged in overall number in 2017 from 2016 – but the overall number of applicants, as noted above, decreased by 19 percent. Therefore, women were a *higher percentage of the applicant pool* in 2017 than in 2016 – 25 percent in 2017 compared to 20 percent in 2016. Likewise, black applicants made up about 37 percent of the applicant pool in 2017, compared to 35 percent in 2016.

As CDP saw lower numbers of candidates starting but failing to complete the application process in 2017, all relevant racial, ethnic, and gender groups saw a decreased failure rate by overall numbers. Women represented a slightly higher proportion of failed candidates – 27 percent in 2017 compared to 21 percent in 2016 and 20 percent in 2015, while black applicants represented a slightly lower proportion of failed candidates – close to 42 percent in 2017 compared to 38 percent in 2016 and 31 percent in 2015.

The Consent Decree requires that the City and Monitoring Team analyze the numbers with respect to recruit failures by self-identified disability and the number of applicants with fluency in a language other than English.³⁵³ The City is not yet tracking this information and will need to do so soon so that outcomes and progress in these areas can also be considered.

³⁵³ Dkt. 7-1 ¶ 367(c)(3)-(4).

2. Recruitment Measures

By most measures, the City increased its overall activity and focus on targeted recruiting activities in 2017 as compared to the prior year. In 2017, 23 billboards advertised CDP recruitment opportunities, compared to 9 in 2016 – more than doubling the number of individual “impressions,” or instances in which individuals saw the advertisements. Although the Division utilized transit station advertisements and digital advertisements less, it used and kept track of social media in a significant and comprehensive new way – with views or likes of various social media platforms numbering more than 714,457.³⁵⁴ The City’s formal recruiting partnerships increased mildly, to 19, in 2017.

As the City finalizes and begins to implement its comprehensive Recruitment and Hiring Plan, the Monitoring Team expects that the volume and frequency of these and many other recruitment activities will expand.

Progress and Tasks that Remain

Following the City’s summer-long efforts to receive and synthesize thoughts of the residents of Cleveland on the adequate and appropriate staffing of their police force, the Division will update the Plan, as appropriate, to ensure that it reflects the feedback and input of members of the public. Under the Third-Year Monitoring Plan, the Recruitment and Hiring Plan will be submitted to the Court on September 7, 2018.³⁵⁵

Following the approval of the Recruitment and Hiring Plan, CDP must “report annually to the public its recruiting activities and outcomes,” including disaggregated data on applicants, interviewees, and selectees, as well as the successes and challenges to recruiting qualified and high-quality applicants.³⁵⁶ The Monitoring Team will continue to gauge progress by analyzing the numbers and trends with respect to applicants and hired recruits, as well as by working with the City to provide ongoing technical assistance on the Plan’s implementation.

D. Performance Evaluations and Promotions

Paragraph	Status of Compliance
312. “CDP will ensure that officers who police professionally and effectively are recognized through the performance evaluation process” and “are identified and receive appropriate consideration for performance.” Likewise, “poor performance” must be “reflected in officer evaluations.”	NON-COMPLIANCE
313. “CDP will develop and implement fair and consistent practices to accurately evaluate officer performance in areas related to integrity, community policing, and critical police functions, on both an ongoing and annual basis.”	NON-COMPLIANCE
314–15. CDP will use “a formalized system documenting the annual performance evaluations of each officer by the officer’s direct supervisor,” including an assessment of several expressly-listed areas. “Supervisors will meet with the employee whose performance is being evaluated to discuss the evaluation.”	NON-COMPLIANCE

³⁵⁴ This information was tracked and aggregated for the first time in 2017.

³⁵⁵ Dkt. 195-1 at 7.

³⁵⁶ Dkt. 7-1 at ¶ 307.

316. “CDP will hold supervisors of all ranks accountable for conducting timely, accurate, and complete performance evaluations of their subordinates.”	NON-COMPLIANCE
317. “CDP will develop and implement fair and consistent promotion practices that comport with the requirements of this Agreement and result in the promotion of officers who are effective and professional.”	NON-COMPLIANCE
318. In considering promotion, “appointing authority will consider” specific, expressly-listed “factors.”	NON-COMPLIANCE

Background

To perform their best and deliver police services at a high level of quality, officers must feel like they are supported in their careers and that their professional development is a priority for the organization. In Cleveland, the Division must address how it evaluates officer performance and must ensure that high-performing officers have access to promotional opportunities. Under the Consent Decree, CDP must “develop and implement fair and consistent practices to accurately evaluate officers” across a number of dimensions, including “integrity, community policing, and critical police functions.”³⁵⁷

What Has Been Accomplished

When the Monitoring Team initially discussed the planned activities of the First-Year Monitoring Plan with the Parties, it was decided that reforms to the Division’s performance evaluations would be addressed at a later juncture. None of the Monitoring Plans to date directly addresses this area because “a number of policies, procedures, systems, and training that will inform changes in evaluations and promotions must still be fully implemented.”³⁵⁸

Specifically, a “formalized system documenting the annual performance evaluations of each” must “include an assessment of[,]” among other things, “community engagement and communication with the public,” “use of community and problem-oriented policing,” “de-escalation strategies,” and “techniques for dealing with individuals in crisis.”³⁵⁹ While some of those areas have reached major milestones over the first half of the Decree’s implementation, progress remains before CDP will be positioned to substantially revise its performance evaluation protocols.

Where the Division Stands

By the express agreement of the Parties and the Monitoring Team, reforms to CDP’s performance evaluations have not begun. For that reason, and through no fault of its own, the City is not yet in compliance with the provisions of this section of the Decree.

³⁵⁷ Dkt. 7-1 at ¶ 313.

³⁵⁸ Dkt. 97 at 62.

³⁵⁹ Dkt. 7-1 at ¶ 314.

Progress and Tasks that Remain

As the Parties finalize major plans and policies such as the CPOP Plan, the Monitoring Team anticipates that the City and CDP will be prepared to turn their attention to officer performance evaluations by the start of 2019. This expectation provides a reasonable timetable for commencing work in an area that can serve to greatly enhance professional development opportunities within the Division and provide an important, non-punitive mechanism for employee management.

E. Staffing

Paragraph	Status of Compliance
319. “CDP will complete a comprehensive staffing study to assess the appropriate number of sworn and civilian personnel to perform the functions necessary for CDP to fulfill its mission, and satisfy the requirements of the” Consent Decree. / “CDP will develop an effective, comprehensive Staffing Plan that is consistent with its mission, including community and problem-oriented policing, and that will allow CDP to meet the requirements of” the Consent Decree.	EVALUATION DEFERRED
320. Requirements of CDP Staffing Plan.	EVALUATION DEFERRED
321. “The City and CDP will employ best efforts to implement the Staffing Plan over the period of time set forth in the approved plan.”	EVALUATION DEFERRED

Background

To distribute and use resources in a way that best protects public safety, ensures officer safety, and promotes a department’s mission and values, law enforcement agencies must be able to strategically distribute personnel based on expected workloads across a city and at various times during the day. Departments need to plan how they will use stretched-thin resources more effectively, balancing basic patrol units with the needs of specialized units and conserving resources with the use of civilians in appropriate administrative desk jobs.³⁶⁰

The Consent Decree contemplates changes to CDP’s approach to staffing, assigning, and deploying its personnel within the city of Cleveland. Under the requirements of the Decree, for example, CDP must:

- Implement a “comprehensive and integrated policing model”³⁶¹;
- Ensure rigorous investigations and reviews of force incidents³⁶²;
- Ensure that specialized crisis intervention officers “are dispatched to an incident involving an individual in crisis” and are able to “have primary responsibility for the scene”³⁶³;

³⁶⁰ See DOJ Findings Letter at 55.

³⁶¹ Dkt. 7-1 at ¶ 27.

³⁶² *Id.* at ¶¶ 93-130.

³⁶³ *Id.* at ¶ 151.

- Provide supervisors with the ability to “review all documentation of investigatory stops, searches, and arrests”³⁶⁴;
- Ensure that officers can receive the training required by the Decree³⁶⁵;
- Provide necessary opportunity for “first line supervisors [to] provide close and effective supervision of officers”³⁶⁶;
- Implement the Early Intervention System³⁶⁷; and
- Provide supervisors with the ability to “conduct adequate random and directed audits of body worn camera recordings.”³⁶⁸

Altogether, these provisions require changes in the way that CDP will deploy its existing personnel and in the overall number of sworn and civilian personnel. To that end, the Consent Decree specifically envisions a Staffing Plan by which the CDP must “address and provide for each of the following:

- “[P]ersonnel deployment to ensure effective community and problem-oriented policing;
- “[A] sufficient number of well-trained staff and resources to conduct timely misconduct investigations;
- “[T]o the extent feasible, Unity of Command; and
- “[A] sufficient number of supervisors.”³⁶⁹

What Has Been Accomplished

On June 17, 2016, CDP submitted to the Parties and Monitoring Team a Resource Study and Deployment Proposal that provided an estimate of staffing levels necessary to do all that the Division must do to ensure safe, effective, and constitutional policing. As the Monitoring Team previously reported, the draft proposal was a “useful guide for understanding, at a high level, the Division’s current personnel and [deployment methods],” but it was not yet a true staffing plan as contemplated in the Consent Decree.³⁷⁰ Reviewing the document, the Monitoring Team was unable to ascertain “precisely how many officers CPD requires, or how those officers should be deployed across the Division, to satisfy everything that the Consent Decree requires.”³⁷¹

The Parties agreed to postpone active work relating to staffing in order for the Division to focus on the Republican National Convention in 2016, finalize the use of force policies, and implement other core processes and policies that might significantly impact necessary or desired staffing levels.

Following CDP’s major accomplishments relating to use of force and crisis intervention, as well as ongoing work on the Division’s CPOP Plan, the Parties renewed their focus on the Staffing Study and Plan in late 2017, seeking to construct a plan around the appropriate number of personnel that would permit CDP to fulfill its mission and to satisfy the various requirements of the Decree outlined above.

³⁶⁴ *Id.* at ¶ 168.

³⁶⁵ *Id.* at ¶ 271.

³⁶⁶ Dkt. 7-1 at ¶ 322.

³⁶⁷ *Id.* at ¶ 326-36.

³⁶⁸ *Id.* at ¶ 339.

³⁶⁹ *Id.* at ¶ 320.

³⁷⁰ Second Semiannual Report at 61.

³⁷¹ *Id.*

Where the Division Stands Now

The Staffing Plan is one of the three interrelated plans – along with the Community and Problem-Oriented Policing Plan and the Recruitment and Hiring Plan – that the City released in late May 2018 for public collaboration and feedback. That comment period ran to August 10, 2018. The Division will refine and revise the Plan further, as appropriate and in light of public input. The Court will receive a finalized Plan in early September.

It is worth confirming here that, aside from the Decree’s obligations and the Parties’ ongoing efforts to complete and approve a Staffing Plan, there is a sense with the Division that CDP needs both more officers and a new approach to better utilizing existing resources. In late 2017, the Monitoring Team conducted focus group sessions with CDP officers.³⁷² In those sessions, many CDP officers were frustrated by organizational staffing decisions that they felt compromised officer and public safety.³⁷³ Some officers described working 15 hours straight and that, understandably, the quality of service they could be expected to provide begins to drop. The CPPA has noted a CDP District with “very tired officers who are working 60 to 80 hours a week.”³⁷⁴ The collective feeling of being short-handed diminishes officer morale and increases stress. Thus, as the Division is also working on its Recruitment Plan, the Division can make strategic decisions to make the most efficient use of its existing staff – so that its officers’ quality of life is improved, stress levels are reduced, and officers’ safety is not compromised.

Progress and Tasks that Remain

Under the Third-Year Monitoring Plan, the Staffing Plan will be submitted to the Court for approval on September 7, 2018.³⁷⁵ Following the Plan’s submission, the City and CDP will then need to implement the actions described in the Plan. Major sections of the Decree, not least of all the Division’s efforts to implement community and problem-oriented policing, depend on the Division’s ability to make the fundamental changes that the Monitoring Team anticipates are in the final Staffing Study and Plan.

The implementation of the Staffing Plan will be substantially aided by the projected influx of new officers slated to start with the Division. With the Division on track to complete five Academy classes this year, Cleveland is on track to see an increased number of officers on the streets policing in a different way – armed with new technology and better resources, benefitting from enhanced training, and spending their time solving community problems and engaging with Cleveland residents.

³⁷² Dkt. 204.

³⁷³ *Id.*

³⁷⁴ Kaylee Remington, “Officer shortage in Cleveland’s 4th police district raises concern,” *Cleveland.com* (Apr. 7, 2018), http://www.cleveland.com/metro/index.ssf/2018/04/more_police_needed_in_cleveland.html.

³⁷⁵ Dkt. 195-1 at 13.

XII. SUPERVISION

A. First-Line Supervisors

Paragraph	Status of Compliance
322. “CDP will ensure that first line supervisors provide close and effective supervision of officers” in a number of express, specifically-identified ways.	PARTIAL COMPLIANCE
323. “CDP will develop and implement supervisory training for all new and current supervisors” that is “adequate in quality, quantity, type, and scope, and will include” a number of specific, expressly-listed topics.	NON-COMPLIANCE
324. “Thereafter all sworn supervisors will receive adequate in-service management training.”	NON-COMPLIANCE
325. “CDP will hold supervisors directly accountable for the quality and effectiveness of their supervision, including whether supervisors identify and effectively respond to misconduct and ensure that officers effectively engage with the community.”	NON-COMPLIANCE

Background

The Consent Decree requires CDP, rather than “essentially leaving [officers] to determine for themselves how to perform their difficult and dangerous jobs” (as the DOJ concluded in its investigation),³⁷⁶ to ensure “close and effective supervision of officers.”³⁷⁷ This includes:

- Responding to, investigating, and documenting force . . . ;
- 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.³⁷⁸

Supervisors in turn must be held “directly accountable for the quality and effectiveness of their supervision” of officers in their command.³⁷⁹ Strong, fair, and effective supervision provides real-time, front-line accountability that shapes officer behavior and drives a department’s performance. Indeed, as the Monitoring Team has previously observed, “[i]t is an established principle in policing that first-line supervisors – sergeants – play a critical role in directing and controlling the behavior of officers in police-citizen interactions.”³⁸⁰

Some of the Decree’s requirements related to supervision, listed above, address issues like use of force, community engagement, or search and seizure – areas where specific policies, protocols, and training specifically address

³⁷⁶ DOJ Findings Letter at 3.

³⁷⁷ Dkt. 7-1 ¶ 322.

³⁷⁸ *Id.*

³⁷⁹ *Id.* ¶ 325.

³⁸⁰ Samuel Walker, National Institute of Justice, “Police Accountability: Current Issues and Research Needs” at 12 (2007), available at <http://www.ncjrs.gov/pdffiles1/nij/grants/218583.pdf>.

supervisor responsibilities. Other requirements speak to broader duties of supervisors, such as monitoring and controlling incidents and calls, identifying professional development needs, and providing counseling or support to officers. For both more specific and general supervisor duties, the Consent Decree requires “mandatory supervisory training” for “all new and current supervisors” covering an array of important topics, including:

- [T]echniques for effectively guiding and directing officers and promoting effective and constitutional police practices;
- [D]e-escalating conflict;
- [E]valuating written reports, including identification of canned or conclusory language that is not accompanied by specific facts;
- [I]nvestigating officer uses of force;
- [B]uilding community partnerships and guiding officers on this requirement;
- [U]nderstanding supervisory tools such as the Officer Intervention Program and body worn cameras;
- [R]esponding to and investigating allegations of officer misconduct;
- [E]valuating officer performance;
- [C]onsistent disciplinary sanction and non-punitive corrective action;
- [M]onitoring use of force to ensure consistency with policies; and
- [L]egal updates.³⁸¹

What Has Been Accomplished

The role of supervisors in use of force has been substantially increased through the Division’s revised use of force policies. Supervisors now must “respond to the scene as soon as practical following any use of force.”³⁸² They must review and evaluate all officer use of force reports.³⁸³ In use of force investigation policies currently being refined by the Division, and per the Consent Decree, supervisors will soon need to take the lead and accomplish any of a number of specific investigatory tasks to follow up in lower-level uses of force.

Similarly, the approved crisis intervention policies articulate a number of specific supervisor responsibilities. These include tracking and communicating to relevant Division personnel which cars have Specialized CIT officers working in them, responding to the scene of CIT calls when necessary and appropriate, coordinating the provision of additional resources to CIT calls (such as SWAT or the Crisis Negotiation Team), and coordinating the necessary after-incident documentation requirements.³⁸⁴

Meanwhile, the Division has invested some time in designing a supervisor-specific curriculum that would satisfy at least part of the Decree’s requirements. Despite some progress, the curriculum is still being developed, and it is unclear precisely when a finalized training might be conducted.

³⁸¹ Dkt. 7-1 ¶ 323.

³⁸² Officer Use of Force Reporting Policy, Dkt. 83-5 at 1.

³⁸³ *Id.* at 2.

³⁸⁴ Crisis Intervention Team Response Policy, Dkt. 103-3 at 8.

Where the Division Stands

In the current reporting period, the Division has continued to work on a training curriculum specifically for supervisors, with the DOJ and Monitoring Team providing feedback and technical assistance. Work continues, and although the City and Division indicate that they would like to hold and complete the supervisory training, a specific schedule for conducting the supervisor training has not been identified.

With respect to the Decree's expressly identified outcome measurements, paragraph 367(h) requires the Monitoring Team to evaluate "supervisors' initial identification of officer violations and performance problems, and the supervisors' responses to those violations and problems."³⁸⁵ Currently, there is no systematic way by which the Division tracks instances where supervisors have flagged officer performance as problematic. This is not to say that supervisors are not doing this – they might be. Instead, a supervisor's identification of deficient performance may be spread across any number of files, reports, investigations, or databases and be contained within free-form, written reports. This makes aggregating data for purposes of the Consent Decree and its outcome measurements difficult. More importantly, however, it makes it substantially more difficult for the Division itself to determine whether supervisors are, in fact, providing adequate supervision.³⁸⁶ In discussions with the Division and Parties about the restructuring of the Internal Affairs ("IA") function, the Monitoring Team has emphasized the need for IA to become the centralized hub for performance management across the agency. As that restructuring is finalized and fully realized, CDP will need to ensure that instances in which supervisors have identified officer policy violations and performance deficiencies are logged in a systematic, streamlined manner and that the supervisory response to such issues are also logged.

Some other data points do exist with respect to the Division's current supervision. The Monitoring Team's Decree-required officer focus groups, conducted in late 2017, identified an ongoing sense among the rank-and-file that the quality and nature of supervision could be strengthened going forward. Many officers and sergeants noted that CDP supervisors "receive little guidance, training, or formal career development opportunities when they are promoted."³⁸⁷ Officers indicated that the quality of supervisors' assistance seems to vary, with some supervisors unable to manage line officers or take control of a scene. To the extent that officers who are on the receiving end of supervision believe that supervision should be better and more comprehensive, the Division would appear to have some distance to travel in enhancing the quality of its supervision.

In the next reporting periods, the Monitoring Team will have occasion – through comprehensive reviews of items like use of force, crisis incidents, and the like – to evaluate the performance, across time and incidents, of supervisors and to identify whether supervisors are adhering to policy and Decree requirements.

Progress and Tasks that Remain

1. Supervisor Training & Professional Development

As the Division continues to develop an initial supervisory training of sufficient quality, the Monitoring Team reiterates a prior observation that "it is likely that satisfying the terms of the Consent Decree will require a

³⁸⁵ Dkt. 7-1 ¶ 367(h).

³⁸⁶ Dkt. 7-1 ¶ 325.

³⁸⁷ Dkt. 204-1 at 30.

multiple-stage training consisting of in-class, electronic, and other instruction – especially given that sergeants have historically received relatively little training other than on CDP policies and other bureaucratic considerations.”³⁸⁸ Again, the Decree covers both specific supervisor requirements – what to do after a use of force incident or complying with supervisor-related provisions of the search and seizure policies – and more general leadership responsibilities – providing officer counseling and support or adequately taking command of an incident upon arrival to a scene. The Monitoring Team anticipates that the Division will learn from the success of other trainings to fashion meaningful supervision training that meets the Decree’s standards.

In addition to minimum training on supervisor responsibilities, CDP needs to develop a clear track for supervisors to develop as professionals. As a general matter, a good patrol officer is one who effectively and appropriately responds in real-time to new situations and information. Officers are in the business of reacting – to something they see on the streets or to a call for service to which they are dispatched. They arrive, assess the scene, and gauge their response or reactions in order to secure a safe and effective outcome. What makes a good officer, however, is not necessarily the same thing as what makes a good supervisor. Supervisors must do more than simply react or respond to what the world throws at them on a given day. Instead, they must think proactively and affirmatively about how to implement the Division’s mission, values, and strategic initiatives on a day-to-day basis – and how to ensure that their officers are performing at the level necessary to keep themselves and Cleveland safe.

In Cleveland, like many other jurisdictions, newly-minted supervisors are provided with minimal training or instruction upon promotion – and this training is usually on policy and granular department processes. Likewise, when supervisors are promoted further up the chain, there is little to no instruction aimed at developing broader leadership and supervisory skills.

The Division has previously indicated a desire and willingness to build a formalized leadership development program and process for its supervisors, perhaps in conjunction with local community partners like universities, businesses, and community organizations. Although they have made some of these resources available in an *ad hoc* fashion in the past, the development of a comprehensive program will greatly enhance the quality and effectiveness of the Division’s supervision. It may also help the Division retain its best supervisors, who may better identify opportunities for professional and personal growth as a result of a formalized career development pathway.

2. Data and Compliance and Outcome Measures

As indicated above, the Consent Decree requires tracking instances in which supervisors identify problematic performance and supervisors’ responses when such problems are identified. The Division needs to implement a process for systematically tracking this information so that it can monitor, in aggregate, the performance of its supervisors. In the short-term, the Monitoring Team will use such information, as required by the Decree, to gauge compliance and outcomes.

Again, in the coming reporting periods, the Monitoring Team will evaluate and assess supervisor performance in the context of its comprehensive reviews of use of force, crisis intervention, and internal affairs incidents or investigations. The performance of supervisors will be part and parcel of the inquiry in each area.

³⁸⁸ Third Semiannual Report at 68 (quoting First Semiannual Report at 62).

3. Holding Supervisors Accountable

Departments must empower supervisors to actively guide officers in their day-to-day functions – but also must hold them accountable for doing so. When the Division examines the quality of a patrol officer’s performance, it must comprehensively consider the quality of that officer’s supervision. Did the supervisor take appropriate action? If relevant, was the supervisor on the scene during the performance in question? Should they have been? After some officer performance, did the supervisor take appropriate action? When a supervisor identified potential misconduct or issues with performance, was it addressed in a timely manner and consistent with the Division’s policies? Did supervisors proactively manage the risk of improper or unconstitutional policing?

Thus, CDP will need to develop the capacity and habit of closely evaluating supervisor performance – and hold supervisors accountable when a failure to adequately supervise has been identified.

B. Officer Intervention Program

Paragraph	Status of Compliance
326. CDP “will create a plan to modify its Officer Intervention Program (‘OIP’) to enhance its effectiveness as a management tool to promote supervisory awareness and proactive identification of potentially problematic behavior among officers.	EVALUATION DEFERRED
327. “CDP supervisors will regularly use OIP data to evaluate the performance of CDP officers across all ranks, units, and shifts.”	EVALUATION DEFERRED
328. “The OIP will include a computerized relational database that will be used to collect, maintain, integrate, and retrieve data department-wide” in a number of specific, expressly-identified areas.	EVALUATION DEFERRED
329. “CDP will set threshold levels for each OIP indicator that will trigger a formal review, and the thresholds will allow for peer-group comparisons between officers with similar assignments and duties.”	EVALUATION DEFERRED
330–36. Additional express requirements of OIP.	EVALUATION DEFERRED

Background

An early intervention system (“EIS”) is a proactive risk assessment tool that provides individualized supervision and support to officers in order to manage risk. An effective EIS relies on a database that logs information on officer activities—such as stops, arrests, uses of force, firearm discharges, and citizen complaints—and allows police departments to identify problematic patterns of behavior by individual officers or groups of officers who may need non-disciplinary intervention and support. As described in the Team’s First Semiannual Report, the concept of an early intervention system is not new, as many groups, including civil rights activists and law enforcement associations alike, “have endorsed the utility of police agencies identifying problematic performance trends early so that supervisors can provide mentoring, training, and other performance interventions.”³⁸⁹

³⁸⁹ First Semiannual Report at 63 (citing U.S. Civil Rights Commission, *Who Is Guarding the Guardians?* 80 (1989); CALEA Standard 45.1.15 cmt. (4th ed. 2001); International Association of Chiefs of Police, *Building Integrity and Reducing Drug Corruption in Police Departments* 80 (1989)).

In its pattern-and-practice investigation, the DOJ found that the Division's prior Officer Intervention Program ("OIP") was "ineffective and poorly utilized."³⁹⁰ Contrary to best practices and DOJ's 2002 recommendations (from an earlier investigation), CDP's OIP was not mandatory, and officers could choose whether or not to participate.³⁹¹ In January 2014, CDP drafted a revised policy that provided guidelines for the establishment of a mandatory OIP. The DOJ found that the revised mandatory program "still ha[d] significant failings[.]" because of limited information and untimely notifications that would be ineffective at intervening in patterns of problematic behavior.³⁹²

Consequently, the Consent Decree requires that CDP's existing OIP be comprehensively transformed into an effective "early intervention system." Specifically, the Decree requires that the Division's OIP become a broader management tool that will "proactive[ly] identif[y] . . . potentially problematic behavior among officers" and provide non-punitive supervisory intervention in order to "modify officers' behavior and improve performance" before the performance gradually becomes deep-seated and difficult to resolve.³⁹³ The Decree requires "a computerized relational database that will be used to collect, maintain, integrate, and retrieve data department-wide" on officer performance.³⁹⁴

What Has Been Accomplished

Early in the Decree's implementation, the Monitoring Team determined that, while the Division's existing OIP "constitute[d] a good starting point to the extent that it identifies personnel subject to administrative charges, sick time abuse, civilian complaints, use of force incidents, and internal investigations[.]" "the existing program will need to be substantially overhauled to conform to the Consent Decree's requirements."³⁹⁵ Under the existing OIP, first-line supervisors do not receive regular and timely information about performance trends for officers under their supervision. Tracking officer performance over time requires a strong memory or intuition, not objective, quantifiable information.³⁹⁶

The Monitoring Team has supported the City and CDP's decision to postpone the development of an EIS, a proactive risk assessment tool that will transform the Division's current OIP. "The City and CDP intentionally waited to initiate this work in the absence of the strong technology infrastructure which is essential to an EIS, as is a broader understanding of the range of intervention initiatives which go beyond those currently offered by the Division's OIP."³⁹⁷

Where the Division Stands

As agreed, the Parties and Monitoring Team have focused their attention in the current reporting period on other substantive areas of the Decree. To be sure, as the Monitoring Team has described in past semiannual reports,

³⁹⁰ DOJ Findings Letter at 47.

³⁹¹ *Id.*

³⁹² *Id.*

³⁹³ Dkt. 7-1 at ¶¶ 326-27.

³⁹⁴ Dkt. 7-1 at ¶ 328.

³⁹⁵ First Semiannual Report at 63.

³⁹⁶ *See id.*

³⁹⁷ Third Semiannual Report at 69.

there have been “several significant strides in areas that do bear some relationship to the effective implementation of an EIS,” including improvements in technology, data, and crisis intervention response.³⁹⁸ These improvements include the Division’s use of IAPro (and its related web-based interface, BlueTeam, that will serve as an online “one-stop shop” for information about officer performance in the field); developing a stronger data platform that can manage improvements in data collection methods; an enhanced focus on tracking discipline; and a successful reshaping of the crisis intervention response.³⁹⁹

As of late June 2017, it appears that the Division has made great strides in systematically logging, in IAPro, most of the specific performance data that the Consent Decree requires be a part of the EIS system.⁴⁰⁰ The Monitoring Team commends CDP and its personnel for its sustained focus in this area. Although a number of various issues will need to be addressed in the coming months, the Monitoring Team is confident that the basic “department-wide data” that must form the backbone of a high-functioning EIS will soon be in place.⁴⁰¹

The Monitoring Team must note here that the EIS appears to be a source of confusion, anxiety, and misunderstanding among the CDP rank and file. In the Monitoring Team’s late-2017 officer focus groups, many officers indicated that, in their understanding, the “[t]otal uses of force in one’s record (regardless of appropriateness) would be used against them.”⁴⁰² As one CDP member indicated, and as quoted in the Monitoring Team’s full report on the focus groups, there is a sense that “everyone is hearing” that officers could be “fire[d] . . . if you have ten or more BlueTeams”⁴⁰³ – references to entries in the officer performance management database.

To be clear, and as the Monitoring Team has previously emphasized:

BlueTeam information is not currently being used in the context of an early intervention system in which a certain number of uses of force triggers the department to do something. Eventually, an early intervention system will be set up within the Division – *but it will be entirely non-punitive, occur outside of the discipline process, and be geared toward career development and counseling rather than adverse employment actions.*⁴⁰⁴

When the Parties turn attention in earnest to the Early Intervention System, “communication and outreach to officers about what the system is and does” – and what it is not and does not do – will be critical.⁴⁰⁵

Progress and Tasks that Remain

1. Creation of EIS/OIP Plan

There has been much front-end, necessary groundwork laid to ensure that CDP has the necessary data and information infrastructure to implement a robust EIS. As other sections of this report note, given the variable

³⁹⁸ *Id.*

³⁹⁹ See Third Semiannual Report at 69.

⁴⁰⁰ Dkt. 7-1 ¶ 328.

⁴⁰¹ *Id.*

⁴⁰² Dkt. 204-1 at 25.

⁴⁰³ Dkt. 204-1 at 26.

⁴⁰⁴ *Id.* (emphasis added).

⁴⁰⁵ *Id.*

states of CDP data across the host of areas that must be incorporated into the EIS, this has been a significant task. The Monitoring Team again commends the Division and its personnel for its focus and attention to working through the many issues related to systematically capturing high-quality, reliable information on officer performance that might be used in an EIS system.

CDP has not yet formally “create[d] a plan to modify its [OIP]” as required by the Consent Decree.⁴⁰⁶ The Monitoring Team looks forward to the Division’s plan to formally implement an EIS that satisfies the Decree’s requirements, which is likely to occur in the context of the Fourth-Year Monitoring Plan.

2. Training & Involvement of Supervisors

As the CDP formalizes its EIP plan, supervisors must be required (and should be trained) to regularly review performance data generated by the EIP. When an officer reaches some defined threshold in a performance indicator, a supervisor will be required to assess an officer’s performance to determine whether it may appropriate to intervene and identify and treat any issue that may impacting the officer’s work.

3. Training & Communication with Officers

It is clear that the success of a revamped EIS will substantially hinge on the Division’s communication with its officers. The Team again emphasizes here that the EIS contemplated by the Consent Decree is entirely non-punitive. If an officer’s performance is reviewed in the context of EIS, the most that may happen is for the officer to eventually be paired with training, mentoring, counseling, or coaching that might serve as appropriate professional development resources. CDP’s EIS policy, training, and implementation going forward will need to establish definitively, and over time, that the purpose of EIS will not be to “ding” or discipline officers. However the Division crafts its plan to implement an EIS, it must properly ensure that all employees understand what an EIS is—a non-punitive system for the benefit of people’s careers and professional growth—and what it is not.

4. Compliance with EIS Plan & Policies

After an EIS plan is developed, relevant policies written and approved, and training for supervisors and officers developed and completed, the EIS will need to be implemented. Once it is, the Monitoring Team will audit and evaluate whether the system is proceeding according to the requirements of policy and the Consent Decree – and whether, ultimately, it appears to be assisting the Division in identifying instances where non-disciplinary action or intervention might enhance the quality of officer performance.

The work that remains in the area of EIS is not insignificant. Again, however, the Division has – especially over the past 12 to 18 months – taken great strides in developing the data and information infrastructure that is the prerequisite for a successful EIS. Given that the work that remains relates more to the development of policies, protocols, and processes, as well as training the Division’s personnel on those new expectations, the Monitoring Team is confident that a new EIS system can be finalized on paper *and* implemented in the real world for a sufficiently material period that CDP could come into compliance with the EIS-related requirements of the Consent Decree within the next two years or soon thereafter.

⁴⁰⁶ Dkt. 7-1 ¶ 326.

C. Body-Worn Cameras

Paragraph	Status of Compliance
337. “If CDP chooses to use body worn cameras, CDP will provide clear guidance and training on their use, and will implement protocols for testing equipment and preservation of recordings to foster transparency, increase accountability, and build trust, while protecting the privacy rights of individuals.”	PARTIAL COMPLIANCE
338. “Supervisors will review recordings related to any incident involving at least a Level 2 or 3 use of force; injuries to officers; and in conjunction with any other supervisory investigation.”	PARTIAL COMPLIANCE
339. “Supervisors will conduct adequate random and directed audits of body worn camera recordings” and “incorporate the knowledge gained from this review into their ongoing evaluation and supervision of officers.”	PARTIAL COMPLIANCE
340. “Officers will be subject to the disciplinary process for intentional or otherwise unjustified failure to activate body worn cameras in violation of CDP policy.”	PARTIAL COMPLIANCE

Background

The Monitoring Team has previously noted that, as of 2015, more than 6,000 estimated police departments in the United States used body cameras in some capacity.⁴⁰⁷ The use of body camera technology has been associated with substantial decreases in use of force and civilian complaints.⁴⁰⁸

The “use of body worn cameras is not required by” the Consent Decree.⁴⁰⁹ However, “if CDP chooses to use body-worn cameras, CDP will provide clear guidance and training on their use, and will implement protocols for testing equipment and preservation of recording to foster transparency, increase accountability, and build trust, while protecting the privacy rights of individuals.”⁴¹⁰ The Decree also outlines supervisor responsibilities for viewing recorded incidents and “conduct[ing] adequate random and directed audits of body worn camera recordings . . .

⁴⁰⁷ See Jon Schuppe & Andrew Blankstein, LAPD Skid Row Shooting Brings Focus to Body Camera Technology, *NBCNews.com* (Mar. 2, 2015); accord Zusha Elinson, Police Use of Body Cameras Raises Questions Over Access to Footage, *Wall St. Journal* (Apr. 28, 2015), <http://www.wsj.com/articles/police-use-of-body-cameras-raises-questions-over-access-to-footage-1430253877>.

⁴⁰⁸ See, e.g., “Oakland Mayor Says Police Body Cameras Have Cut Use-Of-Force Incidents Significantly in 5 Years,” *s* (Dec. 17, 2014), <http://sanfrancisco.cbslocal.com/2014/12/17/oak-land-mayor-says-police-body-cameras-have-cut-use-of-force-incidents-by-60-in-4-years-jean-quan-oakland-police-department-opd-officer-involved-shooting/> (reporting decrease in use of force incidents by nearly 75 percent in six years that Oakland Police Department has used body cameras); Tony Perry, “San Diego police body camera report: Fewer complaints, less use of force,” *L.A. Times* (Mar. 18, 2015), <http://www.latimes.com/local/lanow/la-me-ln-body-cameras-20150318-story.html> (noting 40.5 percent fall in complaints and 46.5 percent reduction in “personal body” force following adoption of body cameras); Tony Farrar, “Self-Awareness to Being Watched and Socially-Desirable Behavior: A Field Experiment on the Effect of Body-Worn Cameras on Police Use-of-force,” Police Foundation (Mar. 2013), <http://www.policefoundation.org/content/body-worn-camera> (summarizing 50 percent reduction in use of force over a one-year period in Rialto, California).

⁴⁰⁹ Dkt. 7-1 at ¶ 337.

⁴¹⁰ *Id.*

to confirm compliance with CDP policy.”⁴¹¹ CDP must also ensure that officers are “subject to the disciplinary process for intentional or otherwise unjustified failure to activate” cameras in accordance with CDP policy.⁴¹²

The Division elected to begin using body-worn cameras in 2013. “[I]t has only been since December 1, 2016 – 22 months after [an initial body-worn camera policy was] . . . initially published – that ‘members found to be in violation’ of the camera policy ‘shall be subject to disciplinary action.’”⁴¹³

What has Been Accomplished

Currently, all patrol officers are equipped with body-worn cameras and are expected, under policy, to use them when working a City shift. Having decided to institute body cameras, and consequently needing to comply with the requirements of the Consent Decree, the Division began to craft a revised body-worn camera policy in mid-2015. In doing so, the CDP engaged community organizations, stakeholders, and residents to receive their input. The Monitoring Team also met with police officers, received input from community organizations such as the ACLU and the NAACP, and talked with residents who were knowledgeable about the Division’s prior process for developing the body-worn camera policy. Generally, community representatives seemed to express a positive view of the process that CDP had used to create its initial body-worn camera policy.

Work on the body-worn camera policy paused until October 2016, as the Parties and Monitoring Team focused on the new force policies, crisis intervention policies, the OPS and PRB Manuals, and the City’s preparation for the Republican National Convention in 2016.

In December 2016, after the Parties worked through feedback and revisions of the policy, the Monitoring Team approved the majority of CDP’s proposed policy on body-worn cameras.⁴¹⁴ Generally, the policy provided sufficiently clear guidelines on when the cameras should be used and how such video should be reviewed and audited.⁴¹⁵

The Monitoring Team’s approval of the body-worn camera policy was subject to three exceptions. The first related to the policy’s exclusion of secondary employment from the policy’s mandates, even though “officers engaged in secondary employment – for example, serving as security at sporting events or in other public venues – are subject to the same rules regarding carrying firearms and wearing their uniforms as they would be when” working on a City-paid shift.⁴¹⁶ Especially given that officers working shifts for private employers “are often called upon to exercise their law enforcement responsibilities” and “[t]he public is not able to differentiate between an officer” working a City shift and one engaged in secondary employment,⁴¹⁷ it is logistically feasible⁴¹⁸ and necessary “to maximize public trust, accountability, and transparency”⁴¹⁹ for officers to be able to take advantage of body-worn cameras while working a secondary employment job.

⁴¹¹ *Id.* at ¶¶ 338-39.

⁴¹² *Id.* at ¶ 340.

⁴¹³ Dkt. 92 at 7 (quoting Cleveland Division of Police Divisional Notice No. 16-372 (Dec. 1, 2016)).

⁴¹⁴ Dkt. 92.

⁴¹⁵ *Id.* at 9.

⁴¹⁶ *Id.* at 10.

⁴¹⁷ *Id.* at 11.

⁴¹⁸ Third Semiannual Report at 71.

⁴¹⁹ Dkt. 92 at 15.

To date, a volunteer pilot program – in which officers who volunteered would use cameras on secondary employment to identify any practical implementation issues – failed to develop because no officers volunteered.⁴²⁰ Subsequently, a time period in which officers were not required but instead encouraged to use secondary video – proposed as a kind of “naturalistic pilot project” – failed to yield “insight and data necessary to make determinations about how to implement the cameras across all secondary employment”⁴²¹ because, as of Winter 2018, no officers had tagged and uploaded video captured on secondary employment to the Division’s systems.

The second exception related to issues about when officers may and may not view captured video. The Monitoring Team declined to approve or disapprove of language included on the policy submitted to the Court pending resolution of “policies and manuals relating to force investigations and internal investigations.”⁴²²

The third exception related to the policy’s discussion of how community members might be able to view incidents captured on body-worn cameras, which the Monitoring Team indicated would be “better suited for a more specific, comprehensive policy relating to the transparency of CPD information and data.”⁴²³

Where the Division Stands

The Division continues to utilize body-worn cameras, with all patrol officers and specialized units equipped with and trained on using Taser’s latest Axon 2 camera system as of August 21, 2017.⁴²⁴ The body-worn camera policy submitted to the Court on December 19, 2016 has been effective since early 2017. The Monitoring Team continues to find that policy compliant with the Consent Decree with the sole exceptions of the three areas identified above.

Progress and Tasks that Remain

1. Compliance with Policy

The Division and Monitoring Team will need to ensure that the Division is meaningfully holding officers accountable for complying with the various provisions of the body-worn camera policy – not just in isolated incidents, or when other problematic performance brings a certain incident to the Division’s attention, but across time and officers.

A primary mechanism, to date, for the Division to ensure policy compliance has been the “random reviews” of camera footage outlined in the approved body-worn camera policy.⁴²⁵ In particular, sergeants must audit one-quarter of officers assigned to them each month, and lieutenants and captains must audit one-quarter of officers under their command one per year, with one-quarter of all reviews completed each quarter. Based on the Monitoring Team’s discussions with supervisors in the field over time, it may be necessary to re-think these provisions, going forward, to ensure a more effective review mechanism that both ensures widespread officer compliance with the policy but does not overly burden supervisors and detract from time they should be spending supervising officers in real time and in person.

⁴²⁰ Third Semiannual Report at 71.

⁴²¹ *Id.* at 72.

⁴²² Dkt. 92 at at 16.

⁴²³ *Id.* at 16–17.

⁴²⁴ Dkt. 125-1.

⁴²⁵ Dkt. 92-1 at 7–8, Section IV-A.

XIII. COMPLIANCE & OUTCOME ASSESSMENTS

In prior Semiannual Reports, the Monitoring Team has used the Compliance & Outcome Assessments sections to describe Consent Decree requirements relating to “various qualitative and quantitative assessments to measure whether implementation of the agreement is producing safe, effective, and constitutional policing[.]”⁴²⁶ as well as the Monitoring Team’s ongoing efforts to conduct structured compliance reviews and audits.

Here, each section of this Fifth Semiannual Report contains the Team’s assessments of compliance and outcome measures. A full accounting of the 2017 outcome measures is attached to this Report as Appendix B.

As implementation of the Consent Decree continues, and as new and revised policies become finalized and move towards real world implementation, the Monitoring Team will continuously assess the Division’s ability to produce safe, effective, and constitutional policing. The Team looks forward to the City and CDP completing necessary data infrastructure improvements, which will allow the Team to review both qualitative and quantitative outcomes to observe how the terms of the Consent Decree—covering community policing, bias-free policing, stops and arrests, crisis intervention, use of force, accountability, and more—are affecting the actual day-to-day operations of the Cleveland Division of Police.

⁴²⁶ Fourth Semiannual Report at 106.

APPENDIX A:
Memorandum from ALG Research Re:
2018 Community Survey

July 16, 2018

To: Christine Cole / Matthew Barge

Fr: Brian Stryker / Pia Nargundkar

Re: Key Findings and Recommendations from 2018 Survey

This research was commissioned by the federal monitoring team to assess community perceptions of the Cleveland Division of Police (CDP), gauge the prevalence of community interactions with the police, and understand the nature of those interactions. The research was also intended to measure how Clevelanders perceive the police treat people in various racial, socioeconomic, and demographic groups. This is the second survey of its kind commissioned by the monitoring team, and it follows a similar survey conducted in May 2016 that asked many of the same questions to a similar audience.

Anzalone Liszt Grove Research conducted n=1001 live cellphone/landline telephone and text-to-web interviews with adults 18 and older in Cleveland. Respondents were selected at random, with interviews apportioned geographically, by zip code, based on Census information. Care was taken to get a representative number of interviews via cellphone to insure a survey that was representative of the city's population by race, age, and income. The survey was then weighted to accurately reflect the distribution of the population by various demographic characteristics. This means that the survey's respondents are 52% African American, 32% white, 10% Hispanic and 6% of other or unspecified races. The expected margin of sampling error is + 3.1% at the 95% confidence level for all adults and higher for subgroups.

Some of the key findings of the survey include:

Key Findings

African Americans have a significantly lower view of Cleveland police than white and Latino adults do. Overall, a majority of Clevelanders rate the Division of Police positively, with 62% saying they do an excellent or good job, and 36% saying they do a not so good or poor job. However, while 79% of white Clevelanders rate the police positively, and 69% of Latinos do, just 49% of African American adults rate the Division of Police positively. This is in-line with findings from 2016.

Most residents believe the police do not treat people of all races and groups equally. Only 44% of people say CDP does a positive job of treating people of all races equally. Specifically, few people think the Division treats African Americans (25%) or Latinos (33%) the same as other members of the community. This belief extends to other groups as well, as only about a third believe the police treat those with mental illness or special needs (38%), young people (35%) or homeless people (30%) the same as everybody else. In the 2016 poll, 37% of residents thought African Americans were treated the same as others and 44% thought that Latinos were, so views on equality have worsened since then.

Forty-five percent (45%) of Clevelanders give CDP a negative rating in using the appropriate level of force when stopping, questioning or arresting someone. Additionally, 26% of the respondents say they either were the victims of CDP excessive force in the last year or know someone who was. Among African Americans, 48% give the Division of Police a negative rating, and 32% know someone or were themselves the victims of excessive force.

African-Americans' experiences back up the public's perception that CDP treats them worse than others. African Americans, or their family or friends, are more likely to report being stopped by the Cleveland Police in a car (46%), or being arrested (32%), than white (31% car / 16% arrested) or Latino adults (36% car / 22% arrested). Similarly, African Americans who have been stopped are less likely than other races to say they were treated with respect or not detained longer than necessary. They are also more likely to report being the victims of excessive force (32%) and being treated differently because of their race (51%).

Social media and word of mouth help spread negative perceptions of police. After local TV news, social media and word of mouth are the top ways Clevelanders get news on the Division of Police, with social media bypassing word of mouth from 2016. The social-media number is even higher among people who have had a negative interaction with the police in the last year (48%).

Overall Attitudes towards Cleveland Police

Overall, adults see the Cleveland Division of Police positively (62% positive / 36% negative). Few people (14%) think CDP is doing an "excellent" job, while 48% say they are doing a "good" job.

Demographic factors include:

- **Race.** Race is the biggest factor that separates views of the police, with 79% of white adults rating them positively, including almost a quarter (23%) who think they are doing an excellent job. Meanwhile, 69% of Latinos and less than half of African Americans (49%) think CDP is doing a positive job.

When looking at intense feelings towards the police, we also see stark gender differences that are also influenced by race. White women are more than five times as likely to rate the police as doing an excellent job (26%) than a poor one (5%). African American men on the other hand are more than three times less likely to say the police are doing an excellent job (5%) than a poor job (18%).

- **Gender.** Both men (59% positive) and women (63%) have positive impressions of the police, with impressions among women higher in particular because white women (84% positive) rate the police better than white men (73%).
- **Age.** Residents under 35 rate police the lowest of all the age groups (18-34: 53% positive, 35-49: 62% positive, 50-64 69% positive, 65+ 75% positive). This age pattern is less stark among whites, where whites 18-34 rate police similarly positive (74%) as

whites over 35 (81%). The gap is bigger among African Americans (18-34: 37%, 35+ 57%). Those poor numbers with young black Clevelanders are worse among men (31% men 18-34) but also low among women (41% women 18-34)

- **Region.** Regionally, the CDP is rated much more positively in the western part of the city, in the zip codes that roughly correspond to Police Districts 1 (73% positive) and 2 (64%). In the zip codes that roughly constitute Police Districts 3 (59%), 4 (52%), and 5 (59%), where the population is a majority African American, views of the police are lower (52-59% positive).

While overall CDP's ratings match the Cuyahoga County Sheriff's Department, which we also tested (63% positive / 26% negative), CDP is slightly more racially polarized than the Sheriff's Department.

%Positive job rating	Cleveland Police	Cuyahoga Sheriff
Overall	62%	63%
White	79%	76%
Black	49%	54%
Latino	69%	73%

Note, the racial differences are not seen in views of the Cleveland Division of Fire, which receives uniformly high ratings among Latinos (92% positive), whites (91% positive), and African Americans (87% positive).

Public Safety

Most Clevelanders say they feel safe in their neighborhood (81%) and in Cleveland overall (75%), though fewer say they feel very safe in their neighborhood (36%) or their city (23%)

- African Americans are less likely to report being safe, with 67% saying they feel safe in the city and 75% in their neighborhood.
- Whites are the most likely to report feeling very safe in their own neighborhood (55% very safe) or in the city (35%) than people of color (27% very safe in neighborhood / 17% city).

A majority of adults overall (62%) and across racial lines say the police are doing a positive job at "serving people in [their] neighborhood," including 76% of whites, 71% of Latinos and 51% of African Americans.

Views on the police "controlling crime in your neighborhood" are similarly good (60% positive job), although residents across racial lines have less rosy views on the job police are doing controlling crime in Cleveland as a whole (50%). Views are especially low among African Americans, only 38% of whom say the police are doing a good job at controlling crime in Cleveland.

%Positive job rating	Controlling crime in your neighborhood	Controlling crime in Cleveland
Overall	60%	50%
White	77%	68%
Black	48%	38%
Latino	69%	62%

If in trouble, most Clevelanders (78%) say they would be likely to ask the police for help, including 44% who say they would be very likely. A 59% majority of whites report being very likely to ask the police for help, higher than the 35% of African Americans and 31% of Latinos who say the same. African Americans report calling the police in the last year at the same rate (17%) as whites (17%) and Latinos (15%). Note, this number does not reflect what percentage of crime victims of each race are calling the police, only the rate at which the groups as a whole call. That is to say, we do not know if the rates are equal because different racial groups experience crime and report it to the police at equal rates, or because, as data outside this poll suggests, African Americans are more likely to experience crime but less likely to report it, thus evening out the percentages. The 21% of Clevelanders who say they are not likely to contact the police are much more African American (65%) than they are white (18%) or Latino (13%).

Discrimination Ratings

A majority of Clevelanders (52%) give CDP a negative job rating¹ on “treating all racial and ethnic groups equally,” with over a fifth (22%) saying they do a “poor” job at that. This number is driven by African Americans’ perceptions. Most white adults (61%) and a majority of Latino adults (56%) give the Division of Police a positive job rating of treating all racial and ethnic groups equally, while 65% of African Americans give them a negative job rating on this. In other words, white adults are twice as likely as African Americans (61% vs. 31%) to think the police do a good job at treating everyone equally.

African Americans are also more likely to have intense feelings on the issue of the police treating everyone equally, with almost a third (30%) saying they think CDP does a poor job of treating all racial and ethnic groups equally. That number jumps to 43% among African American millennials.

When whites and Latinos are focused in on specific groups, they tend to agree with African Americans that CDP does not treat people equally. A plurality of Clevelanders overall think the following groups aren’t treated as well as other Clevelanders:

¹ For this question, respondents were given the scale of “excellent, good, not-so-good, and poor.” We have combined “excellent” and “good” to equal a positive job rating, and “not-so-good” and “poor” to equal a negative job rating.

Perceptions of Treatment of Different Groups by Race of Respondent					
% Group is not Treated as Well	African Americans	Latinos	Young people	Homeless people	People with mental illness/special needs
Residents Overall	68%	55%	54%	53%	48%
White Residents	56%	44%	40%	45%	41%
Black Residents	79%	62%	66%	59%	54%
Latino Residents	52%	59%	44%	54%	45%

Interactions with the Police

Four in ten Clevelanders (40%) have had an interaction with the police in the last year, between being stopped in one's car, being in an accident or receiving a traffic violation, being questioned at home, being arrested, or calling 911.

Most people report having positive interactions with police—64% of Clevelanders approve of way CDP handled their most significant interaction with police in the last few years. There is a racial disparity between whites (78% approve / 20% disapprove) and African Americans (63% approve / 34% disapprove). Approval is also lower among men (61%) and people under 35 (57%), but among every group large enough to analyze in the poll, most people approve of their interactions with police.

As with other measures, race is a significant factor in the frequency of police interaction. African Americans are more likely to be stopped in their car (28%) than whites (19%) or Latinos (18%). The racial differences are also stark when it comes to the most serious interactions (being questioned at home when you did not call the police or being arrested). African Americans and their family, friends and neighbors are almost twice as likely to have interacted with police in a serious way (42%) than whites (22%) and far more than Latinos (27%). Almost half of African American men (48%) report themselves or their friends experiencing one of these two serious interactions (being questioned at home or being arrested) within the last year, compared to just 18% of white men.

African Americans and Latinos are both twice as likely as white adults to report their interaction with the Division of Police as being negative² in some manner (29% of African Americans / 29% of Latinos / 15% of whites).

On every measure we asked about, African Americans were less likely than whites to report a positive interaction with the police. The biggest discrepancies were on agreeing that the officer

² A negative experience is defined as respondents disagreeing with any of the following: the officer answered all of their questions, officer listened to what they had to say, officer kept them informed about what would happen next, officer was polite, officer treated them with respect, officer explained the reason for the stop, officer did not detain them longer than necessary or officer did not use more force than necessary.

answered all of their questions (71% white / 54% black), the officer listened to what they had to say (71% white / 55% black), and the officer was polite (76% white / 60% black). However, there were also wide gaps on the more serious perceptions of being detained for an appropriate amount of time (71% white / 57% black) and the officer using an appropriate level of force (67% white / 60% black).

On other issues in this survey, Latino views towards police skewed closer to the more positive views of white Clevelanders than the more negative views of African Americans. The exception appears to be on their satisfaction with their specific interaction with police in the last year. When asked if they approved or disapproved of how CDP handled their own situation, only 45% of Latinos said they approved, compared to 63% of African Americans and 78% of whites.

Effects of Racial Disparities in Treatment

When people believe CDP has treated them poorly, people's friends, family, and neighbors have heard about it. A clear illustration of this: 20% of Clevelanders report being treated differently because of their race, while 35% report personally knowing someone else who was treated differently because of their race. Ten percent of residents report being victims of excessive force, while 22% of residents say they know someone who was a victim of excessive force.

	All Adults	African-Americans	Latinos	Whites
Experienced racially different treatment (self)	20%	26%	14%	10%
Experienced racially different treatment (someone you know)	35%	42%	22%	28%
Experienced excessive force (self)	10%	12%	10%	7%
Experienced excessive force (someone you know)	22%	28%	16%	16%

This chart illustrates how deeply one bad incident can affect a community's opinions of police. Many more people have heard of someone they know experiencing racial discrimination or excessive force from CPD than have been personally involved. We have all seen viral videos of police interactions gone wrong, but even outside of those select instances that galvanize the nation, stories of negative interactions echo around communities via word of mouth and social media. People's negative views of police can be driven by stories they've heard just as much or more than their own interactions with police. Put another way: while 26% of African Americans report being discriminated against and 12% report being victims of excessive force, over half (51%) say they or someone they know has been a victim of police discrimination and almost a third (32%) say they or someone they know has been a victim of excessive force.

This also shows up in the way people get their information about CDP. The department gets lower overall approval ratings among people who mostly hear about it by social media (51%) or

word of mouth (55%) than TV (63%), radio (63%), the Plain Dealer (68%), or other newspapers (64%) online or in print.

Finally, when we asked Clevelanders how CDP handled their most significant interaction with their family, friends, and neighbor, they are more negative (56% approve / 37% disapprove) than they are their own interaction (64% approve / 32% disapprove). This disparity is entirely driven by African Americans: 78% of whites approve of their own interaction and 74% of their friend/family/neighbor's. However, among African Americans 63% approve of their own interaction while 49% approve of their family/friend/neighbors. That number indicates the positive interactions aren't being reported or shared within the community, while the negative ones are being told and retold by people who disapprove of the way the police treated them. That repetition via social media and word of mouth is taking a toll on overall perceptions of CPD and of how they treat different groups of people.

Appendix A: Toplines

CLEVELAND POLICE SURVEY – 2018

(2018 data listed first, 2016 data, if available, listed second)

June 1-13, 2018

N=1001 adults

Q9. Now, I'm going to ask you about a few public agencies. For each one, please tell me if you think they are doing an excellent, good, not so good, or poor job overall.

		2018	2016
Q9A. The Cleveland Division of Police	Excellent	14%	18%
	Good	48%	37%
	Total Positive	62%	55%
	Not so Good (Fair in 2016)	24%	22%
	Poor	12%	20%
	Total Negative	36%	42%
	[VOL] Don't Know	2%	3%
Q9B. The Cleveland Division of Fire	Excellent	30%	37%
	Good	59%	44%
	Total Positive	89%	81%
	Not so Good (Fair in 2016)	4%	10%
	Poor	2%	1%
	Total Negative	6%	11%
	[VOL] Don't Know	5%	7%
Q9C. Cuyahoga County Sheriff's Department	Excellent	15%	
	Good	48%	
	Total Positive	63%	
	Not so Good	19%	
	Poor	7%	
	Total Negative	26%	
	[VOL] Don't Know	11%	
Q10. In general, how safe do you feel in the City of Cleveland? Do you feel very safe, somewhat safe, not too safe, or not safe at all?	Very safe	23%	20%
	Somewhat safe	52%	50%
	Total safe	75%	70%
	Not too safe	16%	19%
	Not at all safe	9%	10%
	Total not safe	25%	29%
	[VOL] Don't know/refused	1%	1%

		2018	2016
Q11. In general, how safe do you feel in your neighborhood? Do you feel very safe, somewhat safe, not too safe, or not safe at all?	Very safe	36%	38%
	Somewhat safe	45%	40%
	Total safe	81%	78%
	Not too safe	13%	13%
	Not at all safe	6%	8%
	Total not safe	19%	22%
	[VOL] Don't know/refused	0%	0%
Q12. If you were in trouble, how likely would you be to ask a Cleveland Police officer for help? Would you be very likely, somewhat likely, not too likely, or not likely at all?	Very likely	44%	
	Somewhat likely	34%	
	Total likely	78%	
	Not too likely	13%	
	Not all likely	8%	
	Total not likely	21%	
	[VOL] Don't know/refused	1%	
Q13. For each of the following items, please tell me how good of a job you think the Cleveland Division of Police is doing at that item. Are they doing an excellent job, a good job, a not so good job, or a poor job?			
Q13A. Treating all racial and ethnic groups equally ³	Excellent	11%	20%
	Good	32%	37%
	Total Positive	44%	57%
	Not so Good	30%	18%
	Poor	22%	17%
	Total Negative	52%	34%
	[VOL] Don't Know	5%	9%
Q13B. Serving people in your neighborhood	Excellent	16%	22%
	Good	46%	33%
	Total Positive	62%	55%
	Not so Good (Fair in 2016)	24%	26%
	Poor	11%	16%
	Total Negative	35%	42%
	[VOL] Don't Know	3%	3%

³ In 2016, used "Always/sometimes/rarely/never/don't know/refused."

		2018	2016
Q13C. Controlling crime in your neighborhood	Excellent	15%	18%
	Good	45%	33%
	Total Positive	60%	51%
	Not so Good	26%	29%
	Poor	10%	17%
	Total Negative	37%	46%
	[VOL] Don't Know	3%	3%
Q13D. Controlling crime in Cleveland	Excellent	10%	
	Good	40%	
	Total Positive	50%	
	Not so Good (Fair in 2016)	31%	
	Poor	15%	
	Total Negative	47%	
	[VOL] Don't Know	3%	
Q13E. Using the appropriate level of force when stopping, questioning, or arresting someone ⁴	Excellent	10%	28%
	Good	38%	41%
	Total Positive	48%	69%
	Not so Good	29%	13%
	Poor	16%	9%
	Total Negative	45%	22%
	[VOL] Don't Know	6%	9%
Q13F. Officer training	Excellent	10%	
	Good	38%	
	Total Positive	48%	
	Not so Good	25%	
	Poor	13%	
	Total Negative	38%	
	[VOL] Don't Know	14%	

⁴ In 2016, the question used the scale “almost all the time/most of the time/some of the time/almost never/don’t know/refused.”

		2018	2016
Q14. Next, I'm going to ask you about a number of groups in the Cleveland community and for each one, please tell me if you think the Cleveland Police treats them the same as other members of the community or not as well.			
Q14A. African-Americans	Treats the Same	25%	37%
	Not as well	68%	53%
	[VOL] Don't Know	7%	10%
Q14B. Hispanics or Latinos	Treats the Same	33%	44%
	Not as well	55%	35%
	[VOL] Don't Know	12%	22%
Q14C. Young people	Treats the Same	35%	34%
	Not as well	54%	53%
	[VOL] Don't Know	11%	13%
Q14D. Homeless people	Treats the Same	30%	32%
	Not as well	53%	47%
	[VOL] Don't Know	17%	21%
Q14E. People with mental illness or special needs	Treats the Same	38%	49%
	Not as well	48%	33%
	[VOL] Don't Know	14%	18%

Q15. Now, I am going to read you a list of ways in which some people have interacted with the Cleveland Division of Police. Please tell me if, in the last year, you have interacted with the Cleveland Division of Police in this way, or if you know a close family member, friend, or neighbor who has. **[MULTIPLE RESPONSES ACCEPTED FOR 'YES']**

Q15A. Been stopped by the Cleveland Police while you were in a car	Yes, self	24%
	Yes, family/ friend/ neighbor	21%
	Total Yes	39%
	No	60%
	[VOL] Don't Know	1%
Q15B. Been involved in a traffic accident that was reported to police, or received a moving violation like a speeding ticket	Yes, self	19%
	Yes, family/ friend/ neighbor	19%
	Total Yes	34%
	No	64%
	[VOL] Don't Know	2%

		2018	2016
Q15C. Been questioned by the Cleveland Police at home, when you did not request them to come to your home	Yes, self	11%	
	Yes, family/ friend/ neighbor	14%	
	Total Yes	23%	
	No	75%	
	[VOL] Don't Know	2%	
Q15D. Been arrested	Yes, self	9%	
	Yes, family/ friend/ neighbor	18%	
	Total Yes	25%	
	No	74%	
	[VOL] Don't Know	1%	
Q15E. Called 911 or the Cleveland Police to report a crime	Yes, self	17%	
	Yes, family/ friend/ neighbor	16%	
	Total Yes	30%	
	No	69%	
	[VOL] Don't Know	1%	

		2018	2016
<p>Q16. Still thinking about your most significant interaction with the Cleveland Police in the last 12 months, please tell me whether you strongly agree, somewhat agree, somewhat disagree or strongly disagree with each of the following statements as it relates to that specific experience. Or you can tell me it doesn't apply. [ASKED IF 'YES, SELF' IN ANY Q15A-Q15E; N=402]</p>			
Q16A. The officers answered all my questions	Strongly Agree	35%	36%
	Somewhat Agree	23%	30%
	Total Agree	58%	66%
	Somewhat Disagree	17%	12%
	Strongly Disagree	14%	10%
	Total Disagree	31%	22%
	Don't Know/ Doesn't Apply	11%	10%
Q16B. The officers listened to what I had to say	Strongly Agree	35%	38%
	Somewhat Agree	23%	34%
	Total Agree	59%	72%
	Somewhat Disagree	15%	13%
	Strongly Disagree	18%	11%
	Total Disagree	33%	24%
	Don't Know/ Doesn't Apply	9%	4%
Q16C. The officers kept me informed about what would happen next	Strongly Agree	33%	32%
	Somewhat Agree	25%	30%
	Total Agree	59%	62%
	Somewhat Disagree	15%	18%
	Strongly Disagree	15%	10%
	Total Disagree	31%	28%
	Don't Know/ Doesn't Apply	10%	12%
Q16D. The officers were polite in how they spoke to me	Strongly Agree	36%	40%
	Somewhat Agree	28%	35%
	Total Agree	64%	75%
	Somewhat Disagree	16%	9%
	Strongly Disagree	14%	11%
	Total Disagree	30%	20%
	Don't Know/ Doesn't Apply	6%	5%
Q16E. The officers treated me with respect	Strongly Agree	40%	42%
	Somewhat Agree	31%	32%
	Total Agree	71%	74%
	Somewhat Disagree	12%	12%
	Strongly Disagree	12%	10%
	Total Disagree	24%	22%
	Don't Know/ Doesn't Apply	5%	5%

		2018	2016
Q16F. The officers explained their reason for stopping, questioning, or interacting with me	Strongly Agree	42%	28%
	Somewhat Agree	25%	33%
	Total Agree	68%	62%
	Somewhat Disagree	15%	8%
	Strongly Disagree	8%	6%
	Total Disagree	23%	14%
Q16G. The officers did not detain me for longer than was necessary	Don't Know/ Doesn't Apply	9%	24%
	Strongly Agree	40%	29%
	Somewhat Agree	21%	27%
	Total Agree	61%	57%
	Somewhat Disagree	15%	7%
	Strongly Disagree	9%	4%
Q16H. The officers did not use more force than was necessary	Total Disagree	24%	11%
	Don't Know/ Doesn't Apply	15%	31%
	Strongly Agree	39%	28%
	Somewhat Agree	23%	30%
	Total Agree	62%	58%
	Somewhat Disagree	11%	8%
Q17. Overall, do you approve or disapprove of how the Cleveland Police handled your situation? [ASKED IF 'YES, SELF' IN ANY Q15A-Q15E; N=402]	Strongly Disagree	7%	3%
	Total Disagree	18%	11%
	Don't Know/ Doesn't Apply	20%	31%
	Strongly approve	30%	46%
	Somewhat approve	34%	23%
	Total approve	64%	69%
Q17. Overall, do you approve or disapprove of how the Cleveland Police handled your situation? [ASKED IF 'YES, SELF' IN ANY Q15A-Q15E; N=402]	Somewhat disapprove	16%	14%
	Strongly disapprove	16%	15%
	Total disapprove	32%	29%
	[VOL] Don't Know	4%	3%

		2018	2016
Q18. Overall, do you approve or disapprove of how the Cleveland Police handled this situation with your family, friend, or neighbor? [ASKED IF 'YES, FAMILY/ FRIEND/ NEIGHBOR' IN ANY Q15A-Q15E; N=409]	Strongly approve	19%	
	Somewhat approve	37%	
	Total approve	56%	
	Somewhat disapprove	18%	
	Strongly disapprove	19%	
	Total disapprove	37%	
	[VOL] Don't Know	7%	
Q19. And to the best of your knowledge, have you or anyone you personally know believe they have been treated differently by the Cleveland Police because of their race or ethnicity in the past year?	Yes, self	7%	
	Yes, someone you know	22%	
	Yes, both	13%	
	Total Yes	42%	
	No	56%	
	[VOL] Don't Know	3%	
Q20. And to the best of your knowledge, have you or anyone you personally know been the victim of excessive force from the Cleveland Police in the past year?	Yes, self	4%	
	Yes, someone you know	16%	
	Yes, both	6%	
	Total Yes	26%	
	No	71%	
	[VOL] Don't Know	2%	

		2018	2016
QUESTIONS FOR CLASSIFICATION PURPOSES			
Q21. Sex	Male	48%	47%
	Female	52%	51%
Q22. Age	18-34	33%	
	35-49	33%	
	50-64	15%	
	65+	15%	
	[VOL] Refused	4%	
Q6/7. Race Self-ID	White	32%	32%
	African American	52%	52%
	Hispanic or Latino	10%	10%
	Asian-American	1%	1%
	Native American	1%	NA
	Other	2%	2%
	[VOL] Don't Know Refused	2%	3%
Q23. From which of the following places do you hear the most information about Cleveland Police? [MULTIPLE RESPONSES ACCEPTED]	Local TV news	75%	64%
	Radio	26%	19%
	The Cleveland Plain Dealer, online or in print	16%	21%
	Other newspapers, online or in print	14%	18%
	Other websites	10%	22%
	Word of mouth	35%	38%
	Social media	39%	32%
	[VOL] Don't know/Refused	1%	5%
	Q24. What is the highest level of schooling you've completed?	Grades 1-8	0%	5%
Grades 9-11		5%	17%
High school graduate / GED		46%	31%
Some college / Vocational Training		27%	28%
College graduate		16%	10%
Post graduate / Professional School		5%	5%
[VOL] Refused		1%	3%

		2018	2016
Q25. Which of the following categories best describes your total household income in 2017 - just stop me when I get to the right one?	Under \$10,000	7%	18%
	\$10,001-\$20,000	11%	13%
	\$20,001-\$30,000	12%	16%
	\$30,001-\$40,000	14%	9%
	\$40,001-\$50,000	14%	5%
	\$50,001-\$75,000	11%	6%
	\$75,001-\$100,000	6%	4%
	Over \$100,000	3%	5%
	[VOL] Don't Know/Refused	22%	24%
Q26. Where would you say most of your ancestors lived? [ASKED IF 'HISPANIC OR LATINO' IN Q6/7; N=100]	Puerto Rico	45%	
	Ecuador	1%	
	Mexico	26%	
	Dominican Republic	8%	
	Guatemala	2%	
	El Salvador	2%	
	Other	3%	
		[VOL] Don't Know / Refused	13%
Q29. Regions	1 - 44102, 44107, 44111, 44130, 44135	25%	
	2 - 44109, 44113, 44134, 44144	16%	
	3 - 44101, 44103, 44106, 44114, 44115, 44127	17%	
	4 - 44104, 44105, 44120, 44122, 44125, 44128	25%	
	5 - 44108, 44110, 44112, 44117, 44119, 44121	15%	
	Other	2%	

OTHER 2016 QUESTIONS (with no trendline)

2. First, when it comes to [INSERT ITEM] do you think they are doing an excellent, good, only fair, or poor job overall? How about [INSERT ITEM], do you think they are doing an excellent, good, only fair, or poor job overall? What about [INSERT ITEM]?

SCALE:

- 1 Excellent
- 2 Good
- 3 Only Fair
- 4 Poor
- 9 Don't know/Refused (Don't read)

The City of Cleveland's Department of Public Works (Top 2=69%) 22% Excellent; 47% Good; 20% Fair; 7% Poor; 3% Don't Know

I'm going to read some statements about the Cleveland Police. For each one, please tell me whether you think the statement is true almost all the time, most of the time, some of the time, or almost never. [ROTATE Q4-Q7]

3. Cleveland Police officers follow the law.
- | | | | | |
|---|---------------------------------|-----|---|-----|
| 1 | Almost all the time | 22% | } | 50% |
| 2 | Most of the time | 28% | | |
| 3 | Some of the time | 33% | } | 45% |
| 4 | Almost never | 12% | | |
| 9 | Don't know/Refused (Don't read) | 5% | | |
4. Cleveland Police officers treat people with dignity and respect. (n=1400)
- | | | | | |
|---|---------------------------------|-----|---|-----|
| 1 | Almost all the time | 22% | } | 48% |
| 2 | Most of the time | 26% | | |
| 3 | Some of the time | 36% | } | 49% |
| 4 | Almost never | 13% | | |
| 9 | Don't know/Refused (Don't read) | 3% | | |
7. Cleveland Police hold officers accountable when misconduct occurs. (n=1400)
- | | | | | |
|---|---------------------------------|-----|---|-----|
| 1 | Almost all of the time | 19% | } | 38% |
| 2 | Most of the time | 19% | | |
| 3 | Some of the time | 29% | } | 55% |
| 4 | Almost never | 26% | | |
| 9 | Don't know/Refused (Don't read) | 7% | | |
8. How safe do you feel walking the streets of your neighborhood during the daytime? (n=1400)
- | | | | | |
|---|---|-----|---|-----|
| 1 | Very Safe | 47% | } | 83% |
| 2 | Somewhat Safe | 36% | | |
| 3 | Not too Safe | 8% | } | 12% |
| 4 | Not at all Safe | 4% | | |
| 5 | I don't walk in my neighborhood (Don't read) [SKIP to Q11] 5% | | | |
| 9 | Don't know/refused (Don't Read) <1% | | | |
9. How safe do you feel walking the streets of your neighborhood at night? (n=1400)
- | | | | | |
|---|-----------|-----|---|-----|
| 1 | Very Safe | 18% | } | 44% |
| | | | | |
| | | | | 47% |

- 2 Somewhat safe 26%
- 3 Not too Safe 20%
- 4 Not at All Safe 27%
- 5 I don't walk in my neighborhood at night (Don't read) 9%
- 9 Don't know/refused (Don't Read) <1%

10. How worried are you that you or someone else in your household will be a victim of crime? (n=1400)

- 1 Very Worried 22%
 - 2 Somewhat Worried 35%
 - 3 A Little Worried 23%
 - 4 Not at All Worried 19%
 - 9 Don't know/refused (Don't Read) 1%
- } 57%
- } 42%

The following questions are about the relationship between the Cleveland Police and your community.

13. Overall, how would you describe the relationship between the Cleveland Division of Police and the neighborhood where you live? (n=1400)

- 1 Very Positive 19%
 - 2 Somewhat Positive 48%
 - 3 Somewhat Negative 19%
 - 4 Very Negative 8%
 - 9 Don't Know/Refused (Don't read) 6%
- } 67%
- } 27%

14. In the last 12 months, how frequently did you see Cleveland Police officers on foot or in a car patrolling in your neighborhood? (READ) (n=1400)

- 1 At least once a day 35%
- 2 Several times a week 19%
- 3 Once or twice a week 21%
- 4 Less than once a week 13%
- 5 Never 11%
- 9 Don't Know/Refused (Don't read) 2%

16. Can you count on seeing the same police officers in your neighborhood once or twice a week? (n=1400)

- 1 Yes 40%
- 2 No 44%
- 9 Don't Know/Refused (Don't Read) 16%

17. Do you know the names of any of the police officers who work in your neighborhood? (n=1400)

- 1 Yes 13%
- 2 No 86%
- 9 Don't Know/Refused 1%

15a. In the last 12 months, have there been any community stakeholder meetings in your neighborhood? (n=1400)

- 1 Yes 23%
- 2 No [SKIP to Q18] 48%
- 9 Don't know [SKIP to Q18] 29%

15b. How many of those meetings have you personally attended? _____ [99 =Don't know]
[DK and 0 times SKIP to Q18] (n=358) One or more 42%; Mean=1.2

15c. In the last 12 months, how frequently did you see Cleveland Police officers attend community stakeholder meetings in your neighborhood? (READ) Did they attend... (n=152)

- 1 Most meetings 31%
- 2 Some meetings 34%
- 3 Rarely 12%
- 4 Never 15%
- 9 Don't Know/Refused (Don't Read) 7%

18. Do you think the Cleveland Police take the time to meet members of your community? (n=1400)

- 1 Yes 33%
- 2 No 53%
- 9 Don't Know/Refused (Don't Read) 14%

19. Do you think the Cleveland Police have developed relationships with people like you? (n=1400)

- 1 Yes 37%
- 2 No 54%
- 9 Don't Know/Refused (Don't Read) 8%

20. How knowledgeable are the Cleveland Police about the background and experiences of people like you? (n=1400)

- 1 Very Knowledgeable 14%
 - 2 Somewhat Knowledgeable 37%
 - 3 Not too Knowledgeable 21%
 - 4 Not at All Knowledgeable 19%
 - 9 Don't Know/Refused (Don't Read) 9%
- } 51%
- } 40%

21. How easy is it for people from your community to give input and make suggestions to the Division of Police? (n=1400)

- | | | | | |
|---|---------------------------------|-----|---|-----|
| 1 | Very Easy | 18% | } | 49% |
| 2 | Somewhat Easy | 31% | | |
| 3 | Not too Easy | 21% | } | 38% |
| 4 | Not At All Easy | 17% | | |
| 9 | Don't Know/Refused (Don't Read) | 13% | | |

22. If you were in trouble, how likely would you be to ask a Cleveland Police officer for help? (n=1400)

- | | | | | |
|---|---------------------------------|-----|---|-----|
| 1 | Very Likely | 58% | } | 80% |
| 2 | Somewhat Likely | 22% | | |
| 3 | Not too Likely | 11% | } | 18% |
| 4 | Not at All Likely | 8% | | |
| 9 | Don't Know/Refused (Don't read) | 2% | | |

23. If you witnessed a crime or knew about a crime that took place, how likely would you be to report it or to provide information to the Cleveland Police? (n=1400)

- | | | | | |
|---|---------------------------------|-----|---|-----|
| 1 | Very Likely | 70% | } | 88% |
| 2 | Somewhat Likely | 18% | | |
| 3 | Not too Likely | 4% | } | 10% |
| 4 | Not at All Likely | 6% | | |
| 9 | Don't Know/Refused (Don't read) | 3% | | |

24. I'm going to ask you about a number of groups in the Cleveland community and for each one, please tell me if you think the Cleveland Police treats them the same as other members of the community or not as well. First, when it comes to [INSERT ITEM; RANDOMIZE] do you think the Cleveland Police treat them the same as other members of the community or not as well? How about [NEXT ITEM]?

[IF NECESSARY: When it comes to [ITEM] do you think the Cleveland Police treat them the same as other members of the community or not as well?]

- a) Muslims 39% Treats the same; 28% Not as well; 32% Don't know
- b) Asian-Americans 54% Treats the same; 14% Not as well; 32% Don't know

25. How concerned are you that a family member, a friend, or you will be a victim of excessive force by the Cleveland Police? (n=1400)

- | | | | | |
|---|---------------------------------|-----|---|-----|
| 1 | Very Concerned | 27% | } | 51% |
| 2 | Somewhat Concerned | 24% | | |
| 3 | Not Too Concerned | 23% | } | 48% |
| 4 | Not At All Concerned | 25% | | |
| 9 | Don't Know/Refused (Don't read) | 2% | | |

26. How concerned are you that a family member, a friend, or you will be a victim of an officer-involved shooting? (n=1400)

- | | | | | |
|---|---------------------------------|-----|---|-----|
| 1 | Very Concerned | 23% | } | 42% |
| 2 | Somewhat Concerned | 19% | | |
| 3 | Not Too Concerned | 22% | } | 56% |
| 4 | Not At All Concerned | 34% | | |
| 9 | Don't Know/Refused (Don't read) | 2% | | |

I'd like to hear about your experiences with the Cleveland Police and those of your family, friends, and neighbors.

27. In the last 12 months, have you personally had any contact with the Cleveland Police, in-person, over the phone, or in some other way? (n=1400)
- 1 Yes 39%
 - 2 No [**SKIP TO Q36**] 60%
 - 9 Don't know/Refused [**SKIP TO Q36**] 1%
28. How would you describe the frequency of your contact with the Cleveland Police in the last 12 months? Would you say you have had ... [READ LIST] (n=502)
- 1 Frequent contact 16%
 - 2 Occasional contact 82%
 - 9 Don't know/Refused (Don't read) 2%
29. Would you describe these contacts as mostly initiated by you, mostly initiated by the Cleveland Police, or about equal? (n=502)
- 1 Mostly initiated by me 41%
 - 2 Mostly initiated by the police 20%
 - 3 Equally initiated by me and the police 37%
 - 9 Don't know/Refused 2%
30. Based on your personal experience, how many of the Cleveland Police officers you encounter treat you, your friends, and your family members with respect? Would you say...[READ LIST. RECORD ONE RESPONSE.] (n=502)
- | | |
|--|-------|
| 1 Almost all officers show respect 38% | } 66% |
| 2 Most officers show respect 28% | |
| 3 About the same show respect as do not show respect 19% | |
| 4 Most officers do <u>not</u> show respect 7% | } 13% |
| 5 Almost none of the officers show respect 6% | |
| 9 Don't know/Refused [DO NOT READ] 1% | |
31. I'm going to ask you to recall your most significant interaction with the Cleveland Police in the last 12 months. First, was that encounter initiated by you or by the police? (n=502)
- 1 Initiated by me 57%
 - 2 Initiated by the police 31%
 - 3 Equally initiated 8%
 - 9 Don't know/Refused 4%
32. Do you know of family, friends, or neighbors who had contact with the Cleveland Police in the last 12 months? (n=1400)
- 1 Yes 30%
 - 2 No [**SKIP to Q38**] 67%
 - 9 Don't know/Refused [**SKIP TO Q38**] 3%
33. I'm going to ask you to recall what you have heard from family, friends, and neighbors regarding their interaction with the Cleveland Police in the last 12 months. Please tell me whether you strongly agree, agree, disagree or strongly disagree with each statement about the Cleveland Police in general based on what you have heard from others.
[ROTATE ITEMS a-e]

SCALE

- 1 Strongly Agree
- 2 Agree
- 3 Disagree
- 4 Strongly Disagree
- 5 Doesn't apply
- 9 Don't know/Refused

ITEMS (n=384)

- a) Officers listen to what people have to say (Top 2=53%) 19% Strongly Agree; 35% Agree; 27% Disagree; 15% Strongly Disagree; 2% Doesn't Apply; 2% Don't know
- b) Officers answer people's questions (Top 2= 59%) 21% Strongly Agree; 38% Agree; 22% Disagree; 12% Strongly Disagree; 4% Doesn't Apply; 3% Don't know
- c) Officers keep people informed about what will happen next (Top 2= 54%) 17% Strongly Agree; 37% Agree; 24% Disagree; 12% Strongly Disagree; 4% Doesn't Apply; 5% Don't know
- d) Officers are polite in how they speak to people (Top 2= 52%) 17% Strongly Agree; 35% Agree; 28% Disagree; 17% Strongly Disagree; 1% Doesn't Apply; 2% Don't know
- e) Officers treat people with respect (Top 2= 52%) 19% Strongly Agree; 34% Agree; 28% Disagree; 15% Strongly Disagree; 2% Doesn't Apply; 2% Don't know
- f) Officers explain their reasons for stopping or questioning someone (Top 2= 58%) 18% Strongly Agree; 39% Agree; 21% Disagree; 13% Strongly Disagree; 5% Doesn't Apply; 4% Don't know
- g) Officers do not detain people for longer than necessary (Top 2=42%) 15% Strongly Agree; 27% Agree; 29% Disagree; 16% Strongly Disagree; 7% Doesn't Apply; 6% Don't know
- h) Officers do not use more force than is necessary (Top 2=42%) 16% Strongly Agree; 26% Agree; 31% Disagree; 16% Strongly Disagree; 5% Doesn't Apply; 5% Don't know

34. In the last 12 months, have you considered filing a complaint with the Cleveland Division of Police for any reason? (n=1400)

- 1 Yes 8%
- 2 No [**SKIP TO Q43**] 90%
- 9 Don't know/Refused [**SKIP TO Q43**] 1%

39. Did you end up filing a formal complaint with the Cleveland Police? (n=103)

- 1 Yes 24%
- 2 No [**SKIP TO Q42**] 76%
- 9 Don't Know/Refused (Don't Read) [**SKIP TO Q43**] N/A

40. We're interested in what you think of the process for making complaints about the police or the way that certain police officers have performed. Please tell me whether you strongly agree, agree, disagree or strongly disagree with the following statements about your experience. [**ROTATE ITEMS**]

SCALE

- 1 Strongly Agree
- 2 Agree
- 3 Disagree
- 4 Strongly Disagree
- 5 Doesn't Apply
- 9 Don't know/Refused

ITEMS (n=24) Unweighted number of cases only.

- a. When I filed the complaint, I was treated with respect by the officer or staff taking my complaint. (Top 2=11) 1 Strongly Agree; 10 Agree; 7 Disagree; 3 Strongly Disagree; 2 Doesn't Apply; 1 Don't Know
 - b. When I filed the complaint, the officer or staff listened to what I had to say (Top 2= 12) 1 Strongly Agree; 11 Agree; 6 Disagree; 3 Strongly Disagree; 2 Doesn't Apply; 1 Don't Know
 - c. The steps to filing a complaint were easy to understand (Top 2= 11) 3 Strongly Agree; 8 Agree; 9 Disagree; 2 Strongly Disagree; 1 Doesn't Apply; 1 Don't Know
 - d. The officer/staff kept me informed (Top 2=7) 1 Strongly Agree; 6 Agree; 8 Disagree; 5 Strongly Disagree; 2 Doesn't Apply; 2 Don't Know
 - e. The officer/staff followed-up to tell me the outcome of their investigation (Top 2= 6) 3 Strongly Agree; 3 Agree; 9 Disagree; 9 Strongly Disagree; N/A Doesn't Apply; N/A Don't know
41. Overall, how satisfied were you with how the Cleveland Police handled your complaint? Were you ...
- | | | | | |
|---|-----------------------|----------|---|----------|
| 1 | Very Satisfied | 5 cases | } | 8 cases |
| 2 | Somewhat Satisfied | 3 cases | | |
| 3 | Somewhat Dissatisfied | 5 cases | } | 15 cases |
| 4 | Very Dissatisfied | 10 cases | | |
| 9 | Don't Know/Refused | | | |
42. **[DO NOT ASK IF Q39=YES]** Can you briefly tell me why you decided not to file a formal complaint? (DO NOT READ. Check all that apply. Probe: "Any other reason?") (n=79)
- 1 Didn't know how 2 cases
 - 2 It would have taken too much time 7 cases
 - 3 Concerned that there would be a backlash/vengeance by the police 13 cases
 - 4 Didn't think it would make a difference 30 cases
 - 5 Some other reason (specify) 12 cases
 - 9 Don't know/refused (Don't Read) 2 cases

DEMOGRAPHICS

Finally, I'd like to ask you a few general questions to make sure we have a representative sample. Your answers are anonymous.

43. What year were you born? _____ [Subtract from 2016 to calculate age]

44. [If conducted in ENGLISH, others SKIP] Is English your native language? (n=1400)

- 1 Yes 93%
- 2 No 5%
- 9 Prefer not to answer/refused 2%

. [ASK ONLY IF Q1f = Hispanic/Latino] Do you learn about the Cleveland Police through Spanish-language media? (n=236)

- 1 Yes, Often 21%
 - 2 Yes, Sometimes 26%
 - 3 No 48%
 - 9 Don't know/refused (Don't read) 4%
- } 47%

48. How many people live in your household? _____

49. [Asked of cell phones only] Do you have a landline telephone? (n=716)

- 1 Yes 24%
- 2 No 73%
- 9 Refused 4%

50. Asked to landline phones only] Do you have a cell phone? (n=684)

- 1 Yes 79%
- 2 No 18%
- 9 Refused 3%

51. [Asked of everyone] Does your household primarily use cell phones or land line phones? (n=1400)

- 1 Cell 69%
 - 2 Land Line 24%
 - 9 Refused 7%
- 10 53. Which of the following do you most identify with? Do you consider yourself to be... (n=1400)
- 11 1 Straight 79%
 - 12 2 Gay 2%
 - 13 3 Lesbian 1%
 - 14 4 Bisexual 2%
 - 15 5 Transgendered N/A
 - 16 6 None of the above 7%
 - 17 9 Prefer not to answer (do not read) 9%

55. Note Language (English or Spanish) (n=1400)

96% English; 4% Spanish

APPENDIX B:
2017 Outcome Measures Summary

2017 Measures as of August 2018

APPENDIX B: 2017 Outcome Measures

Consent Decree Paragraph	Consent Decree Section	Topic	Name of Measure	Included in Baseline? (yes/no)	Source of Data	2015 Data Collected	2016 Data Collected	2017 Data Collected	% increase or decrease from 2015 through 2016	% increase or decrease from 2016 through 2017	Compound annual growth rate (CAGR) from 2015 through 2017	Validated by Source (yes/no)	Comments	
1 367 a Use of Force (UOF) - the numbers below may differ slightly from the Division's final UOF numbers, as they may reflect duplicate entries due to the Division's input method														
2	367	a. 1	UOF	UoF Charges	yes	IAPro	see below	see below	see below					2015/Baseline: Validational data from CPD captured 349 use of force cases (based on timing of data request); 2016: Validational data from CPD captured 318 use of force cases (based on timing of data request). 2017: 237 use of force cases identified by CPD, but 242 citizens involved in UoF incidents
3				# of UoF charges			350	307	242	-12%	-21%	-12%	yes	
4				# of non-UoF charges			38,920	31,968	33,085	-18%	3%	-5%	yes	2015: 39,270 charges; 2016: 32275 charges in 2016
5	367	a. 1	UOF	UoF Charges ending in arrests	yes	IAPro	see below	see below	see below					
6				# UoF ending in arrests			285	243	191	-15%	-21%	-12%	yes	2015 Validational data from CPD captured 289 Arrests with 609 different charge types
7				Total # of non-UoF ending in arrests			24,086	19,425	18,785	-19%	-3%	-8%	yes	24,371 total arrests in 2015; 19,668 total arrestes in 2016; 18,976 total arrests in 2017
8	367	a. 1	UOF	UoF rates	yes	IAPro	see below	see below	see below					
9				UoF as % of all charges			0.9%	1.0%	0.7%	7%	-24%	-7%	yes	
10				UoF arrests as % of all arrests			1.2%	1.2%	1.0%	6%	-19%	-5%	yes	
11				% of UoFs ending in arrest			81%	79%	79%	-3%	0%	-1%	yes	
12				% of non-UoFs ending in arrest			62%	61%	57%	-2%	-7%	-3%	yes	
13	367	a. 1	UOF	District	yes	IAPro	see below	see below	see below					
14				District 1			36	29	25	-19%	-14%	-11%	yes	
15				District 2			64	57	54	-11%	-5%	-6%	yes	
16				District 3			100	114	68	14%	-40%	-12%	yes	
17				District 4			85	64	52	-25%	-19%	-15%	yes	
18				District 5			61	39	37	-36%	-5%	-15%	yes	
19				outside city			4	1	1	-75%	0%	-37%	yes	
20				Unknown/NULL			.	3	.	.	.	.	yes	
21	367	a. 1	UOF	Force type	yes	IAPro	see below	see below	see below					These data are for all officers that used force. Multiple force types used by officers per citizen. 2015 total =1311; 2016 total=1210; 2017 total=1018
22				Balance Displacement			76	1	0	-99%	-100%	-100%	yes	
23				Body Force/Body Weight			477	176	191	-63%	9%	-26%	yes	Body force now includes body weight for 2015-2017
24				Control Hold-Restraint			217	323	225	49%	-30%	1%	yes	
25				Control Hold-Takedown			65	124	68	91%	-45%	2%	yes	
26				Joint Manipulation			137	159	93	16%	-42%	-12%	yes	
27				Tackling/Takedown			142	63	46	-56%	-27%	-31%	yes	
28				Taser			44	36	47	-18%	31%	2%	yes	
29				Verbal/Physical Gestures			31	0	0	-100%	0%	-100%	yes	
30				Pressure Point/Pressure Point Control			40	151	180	278%	19%	65%	yes	This category was in other in 2015 and 2016 and has now been broken out for all 3 years
31				Push			4	90	83	2150%	-8%	175%	yes	This category was in other in 2015 and 2016 and has now been broken out for all 3 years
32				Other (1-25 instance each)			48	77	78	60%	1%	18%	yes	This is a designation created by thte Monitoring Team and includes several categories with fewer than 25 instances. These are not classified as "Other" in IAPro or by the CPD
33				Unknown/NULL/#N/A			30	10	7	-67%	-30%	-38%	yes	
34	367	a. 1	UOF	Arrest type	yes	IAPro	see below	see below	see below					These data are for all UoF (2015 total UoF=774; 2016 total UoF=1110) not arrests (2015 total arrests=285; 2016 total arrests=244) and not charge types (2015 total charge types=350; 2016 total charge types=308)
35				Violence toward Police Officer			7	105	66	1400%	-37%	111%	yes	

2017 Measures as of August 2018

36				Violence toward Others			158	156	73	-1%	-53%	-23%	yes	
37				Damage to Property			57	76	33	33%	-57%	-17%	yes	
38				Obstructing Justice			207	370	224	79%	-39%	3%	yes	
39				Crisis Intervention			40	69	55	73%	-20%	11%	yes	
40				Drugs/Alcohol			47	31	30	-34%	-3%	-14%	yes	
41				Cleveland Codified Ord. - Part 6			84	150	73	79%	-51%	-5%	yes	This category was in other in 2015
42				Miscellaneous offense			18	39	33	117%	-15%	22%	yes	This category was in other in 2015
43				NULL			84	23	0	-73%	-100%	-100%	yes	This category was in other in 2015
44				Other (1-25 instance each)			72	63	34	-13%	-46%	-22%	yes	
45	367	a. 1	UOF	Race	yes	IAPro	see below	see below	see below					
46				Black			259	219	188	-15%	-14%	-10%	yes	
47				White			77	69	68	-10%	-1%	-4%	yes	
48				Hispanic			9	12	11	33%	0%	7%	yes	
49				Asian			1	1	0	0%	-100%	-100%	yes	
50				Other			1	3	5	200%	67%	71%	yes	
51				Unknown/NULL			3	3	0	0%	-100%	-100%	yes	
52	367	a. 1	UOF	Ethnicity	yes	IAPro	see below	see below	see below					
53				Hispanic/Latino			9	12	11	33%	-8%	7%	yes	
54				Non-Hispanic/Latino			338	292	261	-14%	-11%	-8%	yes	
55				Unknown/NULL			3	3	0	0%	-100%	-100%	yes	
56	367	a. 1	UOF	Age	yes	IAPro	see below	see below	see below					
57				under 20 years			64	69	48	8%	-30%	-9%	yes	
58				21-29 years			134	115	85	-14%	-26%	-14%	yes	
59				30-39 years			68	59	86	-13%	46%	8%	yes	
60				40-49 years			38	26	27	-32%	4%	-11%	yes	
61				50-59 years			18	16	11	-11%	-31%	-15%	yes	
62				60+ years			11	10	6	-9%	-40%	-18%	yes	
63				Unknown/NULL			17	13	9	-24%	-31%	-19%	yes	
64	367	a. 1	UOF	Gender	yes	IAPro	see below	see below	see below					
65				Male			265	223	212	-16%	-5%	-7%	yes	
66				Female			82	82	60	0%	-27%	-10%	yes	
67				Unknown/NULL			3	2	0	-33%	-100%	-100%	yes	
68	367	a. 1	UOF	Mental State	yes	IAPro	see below	see below	see below					
69				Mental Crisis			42	0	0	-100%	0%	-100%	yes	more granular data collected in 2016 and 2017
70				Behavioral Crisis Event			13	68	119	423%	75%	109%	yes	more granular data collected in 2016 and 2017
71	367	a. 1	UOF	Medical Condition	no	IAPro	.	.	.	.	.	.	N/A	
72	367	a. 1	UOF	Drugs / ETOH	yes	IAPro	138	131	223	-5%	70%	17%	yes	Only drugs and alcohol as noted in IAPro
73				Unimpaired/None Detected	yes (new)		67	102	150	52%	47%	31%	yes	New item CPD collects that has been added to baseline and 2016 but not specified in Consent Decree
74				Unknown/NULL	yes (new)		90	3	23	-97%	667%	-37%	yes	New item CPD collects that has been added to baseline and 2016 but not specified in Consent Decree
75				Known Medical Condition	yes (new)		.	3	1	.	-67%	.	yes	New item CPD collects that has been added to baseline and 2016 but not specified in Consent Decree
76	367	a. 1	UOF	Disability	yes	IAPro	.	.	.	.	.	.	N/A	No data collected currently; Needs to be collected in the future
77														
78	367	a. 2	UOF	Injuries	yes	IAPro	see below	see below	see below					
79				# officers injured	yes		134	192	212	43%	10%	17%	yes	
80				# public injuries	yes		77	69	98	-10%	42%	8%	yes	Public injuries is citizen injuries. This was misreported as 112 in baseline, but corrected here.
81				rate of officer injuries change overall	no		.	43%	10%	.	-76%	.	yes	
82				rate of officer injuries change severity	no		.	.	.	.	.	.	N/A	injury severity is not collected
83				rate of subject injuries change overall	no		.	-10%	-76%	.	N/A	.	yes	
84				rate of subject injuries change severity	no		.	.	.	.	.	.	N/A	injury severity is not collected
85	367	a. 2	UOF	Force complaints	yes	IA	see below	see below	see below					
86				# of force complaints			43	17	33	-60%	94%	-8%	yes	These data are by officer and not by case; These data are just from IA and does not include complaints through OPS
87				# of non-force complaints			73	93	96	27%	3%	10%	yes	These data are by officer and not by case; These data are just from IA and does not include complaints through OPS

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88	367	a. 2	UOF	disposition of force complaints	yes	IA	see below	see below	see below					
89				Substantiated			0	0	0	0%	0%	0%	yes	
90				Substantiated Other			7	8	0	14%	-100%	-100%	yes	
91				Administrative Closure			2	0	2	-100%	N/A	0%	yes	
92				Exonerated			.	1	0	.	-100%	.	yes	
93				Open			34	8	31	-76%	288%	-3%	yes	
94	367	a. 2	UOF	source (in/ext.) force complaints	no	IA	see below	see below	see below					
95				Internal (CPD)	no		.	.	.	.	.	.	N/A	Incomplete information; no systematic capturing of data through IA or OPS
96				External (non-CPD/Civilian)	no		.	.	.	.	.	.	N/A	Incomplete information; no systematic capturing of data through IA or OPS
97	367	a. 2	UOF	force type	yes	IA, IAPro	see below	see below	see below					lots of incomplete data (more than half data not present)
98				Balance Displacement			0	0	0	0%	0%	0%	yes	
99				Body Force			8	0	15	-100%	N/A	23%	yes	
100				Control Hold-Restraint			2	8	11	300%	38%	77%	yes	
101				Control Hold-Takedown			0	3	5	N/A	67%	N/A	yes	
102				Joint Manipulation			1	2	13	100%	550%	135%	yes	
103				Tackling/Takedown			0	0	5	0%	0%	N/A	yes	
104				Taser			1	0	6	-100%	N/A	82%	yes	
105				Verbal/Physical Gestures			0	0	0	0%	0%	0%	yes	
106				Pressure Point/Pressure Point Control			.	.	15	.	.	.	yes	This category was in other in 2015 and 2016 and has now been broken out 2017
107				Push			.	.	5	.	.	.	yes	This category was in other in 2015 and 2016 and has now been broken out for 2017
108				Other (1-25 instance each)			7	10	13	43%	30%	23%	yes	
109				Unknown/NULL			27	5	4	-81%	-20%	-47%	yes	
110	367	a. 2	UOF	geographic area	yes	IA	see below	see below	see below					
111				District 1			2	0	4	-100%	N/A	26%	yes	
112				District 2			0	4	3	N/A	-25%	N/A	yes	
113				District 3			4	4	5	0%	25%	8%	yes	
114				District 4			4	3	1	-25%	-67%	-37%	yes	
115				District 5			3	0	4	-100%	N/A	10%	yes	
116				outside city			0	0	0	0%	0%	0%	yes	
117				Unknown/NULL			10	6	4	-40%	-33%	-26%	yes	
118	367	a. 2	UOF	demographics of complainant	yes	IA, IAPro	see below	see below	see below					
119				Black			11	6	12	-45%	100%	3%	yes	
120				White			2	2	5	0%	150%	36%	yes	
121				Hispanic			0	3	0	N/A	-100%	N/A	yes	
122				Asian			0	0	0	0%	0%	0%	yes	
123				Other			0	0	0	0%	0%	0%	yes	
124				Unknown/NULL			10	6	4	-40%	-33%	-26%	yes	
125														
126	367	a.3	ECW usage	# ECW and changes over time	yes	IAPro								
127				# of ECW	yes	IAPro	44	36	47	-18%	31%	2%	yes	
128				# of non-ECW UoF	yes	IAPro	1267	1174	971	-7%	-17%	-8%		
129				changes compared to UOF	no		.	-11%	44%	.	N/A	.	yes	In 2015 there were 1311 force types used. In 2016 there were 1210. This number therefore represents the change in non-taser force types between 2015 and 2016 relative to the change in taser force type; same calculation used for 2016 to 2017
130				changes compared to weapon/force instrument	no		.	.	.	.	.	.	N/A	Data are not collected in detail to calculate this value
131														
132	367	a.4	UOF violating policy	# in violation	yes	Case Office	9	16	6	78%	-63%	-13%	yes	
133	367	a.4	UOF violating policy	force type	yes	Case Office, IAPro	see below	see below	see below					
134				Balance Displacement			2	0	0	-100%	0%	-100%	yes	
135				Body Force			5	0	5	-100%	N/A	0%	yes	
136				Control Hold-Restraint			0	7	6	N/A	-14%	N/A	yes	

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137				Control Hold-Takedown			0	0	2	N/A	0%	N/A	yes	
138				Joint Manipulation			2	0	3	-100%	N/A	14%	yes	
139				Tackling/Takedown			0	3	0	N/A	-100%	N/A	yes	
140				Taser			0	3	1	N/A	-67%	N/A	yes	
141				Verbal/Physical Gestures			1	0	0	-100%	0%	-100%	yes	
142				Pressure Point/Pressure Point Control			.	.	5	.	.	.		
143				Push			.	.	6	.	.	.		
144				Other (1-25 instance each)			2	13	5	550%	-62%	36%	yes	
145				Unknown/NULL			2	4	6	100%	50%	44%	yes	
146	367	a.4	UOF violating policy	geography	yes	Case Office, IAPro	see below	see below	see below					
147				District 1			1	1	0	0%	-100%	-100%	yes	
148				District 2			3	4	0	33%	-100%	-100%	yes	
149				District 3			3	6	2	100%	-67%	-13%	yes	
150				District 4			1	3	3	200%	0%	44%	yes	
151				District 5			1	2	1	100%	-50%	0%	yes	
152				outside city			0	0	0	0%	0%	0%	yes	
153	367	a.4	UOF violating policy	arrest type	yes	Case Office, IAPro	see below	see below	see below					
154				Violence toward Police Officer			0	2	2	N/A	0%	N/A	yes	
155				Violence toward Others			3	2	0	-33%	-100%	-100%	yes	
156				Damage to Property			4	0	0	-100%	N/A	-100%	yes	
157				Obstructing Justice			3	5	11	67%	120%	54%	yes	
158				Crisis Intervention			1	1	0	0%	-100%	-100%	yes	
159				Drugs/Alcohol			0	2	2	N/A	0%	N/A	yes	
160				Other			4	12	5	200%	-58%	8%	yes	
161	367	a.4	UOF violating policy	race of subject	yes	Case Office, IAPro	see below	see below	see below					2015 data mistakenly reported the race of the officer, not of the subject. This has has been corrected in this appendix and in the 2016 report
162				Black			6	6	4	0%	-33%	-13%	yes	
163				White			1	2	1	100%	-50%	0%	yes	
164				Hispanic			1	1	0	0%	-100%	-100%	yes	
165				Asian			0	0	0	0%	0%	0%	yes	
166				Other			0	2	0	N/A	-100%	0%	yes	
167				Unknown/NULL			0	0	1	0%	N/A	N/A	yes	
168	367	a.4	UOF violating policy	ethnicity of subject	yes	Case Office, IAPro	see below	see below	see below					2015 data mistakenly reported the ethnicity of the officer, not of the subject. This has has been corrected in this appendix and in the 2016 report
169				Hispanic/Latino			1	1	0	0%	-100%	-100%	yes	
170				Non-Hispanic/Latino			7	10	5	43%	-50%	-11%	yes	
171				Unknown/NULL			0	0	1	0%	N/A	N/A		
172	367	a.4	UOF violating policy	age of subject	yes	Case Office, IAPro	see below	see below	see below					2015 data mistakenly reported the age of the officer, not of the subject. This has has been corrected in this appendix and in the 2016 report
173				under 20 years			3	0	0	-100%	N/A	-100%	yes	
174				21-29 years			2	3	2	50%	-33%	0%	yes	
175				30-39 years			0	4	2	N/A	-50%	N/A	yes	
176				40-49 years			2	1	1	-50%	0%	-21%	yes	
177				50-59 years			0	1	0	N/A	-100%	N/A	yes	
178				60+ years			0	0	0	0%	0%	0%	yes	
179				Unknown/NULL			1	2	1	100%	-50%	0%	yes	
180	367	a.4	UOF violating policy	gender of subject	yes	Case Office, IAPro	see below	see below	see below					2015 data mistakenly reported the gender of the officer, not of the subject. This has has been corrected in this appendix and in the 2016 report
181				Male			8	11	3	38%	-73%	-28%	yes	
182				Female			0	0	2	0%	N/A	N/A	yes	
183				Unknown/NULL			0	0	1	0%	N/A	N/A	yes	
184	367	a.4	UOF violating policy	condition	no	Case Office, IAPro	see below	see below	see below					

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185			mental condition	no		N/A	No data collected currently; Needs to be collected in the future	
186			medical condition	no		.	.	.	.	.	.	N/A	No data collected currently; Needs to be collected in the future	
187			drugs/alcohol	no		.	6	4	N/A	-33%	N/A	yes	Not collected in baseline, collected in 2016 based on 11 citizens	
188			Unimpaired	no		.	3	1	N/A	-67%	N/A	yes	Not collected in baseline, collected in 2016 based on 11 citizens	
189			Unknown/NULL	no		.	2	1	N/A	-50%	N/A	yes	Not collected in baseline, collected in 2016 based on 11 citizens	
190			presence of disability	no		.	.	.	.	.	.	N/A	No data collected currently; Needs to be collected in the future	
191														
192	367	a. 5	UOF violating policy	# of officers with > 1 UOF violating policy	yes	Case Office	0	1	0	N/A	-100%	0%	yes	
193														
194	367	a. 6	UOF violating policy	force reviews/investigations resulting in	yes	IA	see below	see below	see below					
195				policy deficiency			5	11	3	120%	-73%	-16%	yes	Examination of data received shows most of the policy deficiencies were administrative/technical (i.e. late forms) and not substantive or due to tactics
196				training deficiency			2	0	0	-100%	0%	-100%	yes	
197				tactics deficiency			2	5	3	150%	-40%	14%	yes	
198	367	a. 7		quality of investigations	no		.	in written summary	.	.	.	.	yes	Random sample selected by Monitoring Team and reviewed to capture the quality of the investigations
199	367	a. 7		quality of review	no		.	in written summary	.	.	.	.	yes	Random sample selected by Monitoring Team and reviewed to capture the quality of the investigations
200	367	a. 7		# of investigations returned because incomplete	no	Chief's Office	.	.	.	.	.	.	no	Data has not been received as of June 2017
201	367	b	addressing individuals in crisis											
202	367	b. 1	addressing individuals in crisis	# calls for service and incidents involving an individual in crisis	no	CI Unit	10480	7890	8120	-25%	3%	-8%		baseline, 2016, and 2017 aren't comparable. 2017: 812 forms completed (which is 10% of total possible mental health calls); data from 11/1/16-11/30/17. 2016: 789 forms completed (which is 10% of total possible mental health calls); data from 10/1/15-10/31/16. 2015 Baseline: 1048 forms completed (which is 10% of total possible mental health calls); data from 1/1/14-9/30/15
203				Responded to by specialized CIT officer	no		.	.	.	.	.	.	N/A	No data collected currently; Needs to be collected in the future
204				Responded to by other	no		.	.	.	.	.	.	N/A	No data collected currently; Needs to be collected in the future
205	367	b. 1	addressing individuals in crisis	Direction of individuals in crisis	no		see below	see below	see below					
206				directed to healthcare system			1009	672	1012	-33%	51%	0%	yes	SUBJECT DISPOSITION (pink slipped or voluntarily to SVCH, private hospital ER, referred to mental health treatment, handled by EMS); 0 referrals to mental health treatment in 2016; 19 referrals in 2015
207				directed to judicial system system			12	2	8	-83%	300%	-13%	yes	#arrested
208				direction other			230	7	0	-97%	-100%	-100%	yes	other, complaint unfounded requiring no police action, subject stabilized; 0 complaint unfounded requiring no police action, subject stabilized in 2016; 18 in 2015
209				rate - directed to healthcare system			81%	99%	99%	22%	1%	7%	yes	
210				rate - directed to judicial system system			1%	0%	1%	-69%	167%	-6%	yes	
211				rate - direction other			18%	1%	0%	-94%	-100%	-100%	yes	
212														
213	367	b. 2	addressing individuals in crisis	# of UOF on ind in crisis			14	.	.	.	.	.	yes	2015 data - "Use of non-deadly force report made"
214				type of force used			.	.	.	.	.	.		poor data
215				Balance Displacement			.	.	.	.	.	.		poor data
216				Body Force				poor data
217				Control Hold-Restraint			166		2015 data - "handcuffs"

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218			Control Hold-Takedown													poor data	
219			Joint Manipulation													poor data	
220			Tackling/Takedown													poor data	
221			Taser				5									2015 data - "taser stun"	
222			Verbal/Physical Gestures													poor data	
223			Other (1-25 instance each)				40									2015 data - "other, fired, OC pepper spray"	
224			Unknown/NULL				186									2015 data - "no response reported"	
225	367	b. 2	addressing individuals in crisis														
226			reason for interaction														
227			# subject armed/not armed														
228			weapon type														
229			resistance offered														
229			description of attempts to de-escalate													809 CIT calls had averbal de-escalation response from officers in 2015; 578 calls had averbal de-escalation response from officers in 2016	
230	367	c	stop, search, arrest														
231	367	c. 1	stop, search, arrest	# of investigatory stop, search, arrest	no	Compliance										N/A	No data collected currently; Needs to be collected in the future
232				# of investigatory stops													
233				# of investigatory searches													
234				# of investigatory arrrests													
235	367	c. 1	stop, search, arrest	% of investigatory stop, search, arrest												N/A	No data collected currently; Needs to be collected in the future
236				# investigatory stops/# summons or arrest													
237				# investigatory searchess/# summons or arrest													
238	367	c. 1	stop, search, arrest	District	no											N/A	No data collected currently; Needs to be collected in the future
239				District 1													
240				District 2													
241				District 3													
242				District 4													
243				District 5													
244				outside city													
245	367	c. 1	stop, search, arrest	Arrest type	no											N/A	No data collected currently; Needs to be collected in the future
246				Violence toward Police Officer													
247				Violence toward Others													
248				Damage to Property													
249				Obstructing Justice													
250				Crisis Intervention													
251				Drugs/Alcohol													
252				Other													
253	367	c. 1	stop, search, arrest	Actual or perceived age	no											N/A	No data collected currently; Needs to be collected in the future
254				under 20 years													
255				21-29 years													
256				30-39 years													
257				40-49 years													
258				50-59 years													
259				60+ years													
260				Unknown/NULL													
261	367	c. 1	stop, search, arrest	race	no											N/A	No data collected currently; Needs to be collected in the future
262				Black													
263				White													
264				Hispanic													
265				Asian													
266				Other													

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267				Unknown/NULL															
268	367	c. 1	stop, search, arrest	ethnicity	no													N/A	No data collected currently; Needs to be collected in the future
269				Hispanic/Latino															
270				Non-Hispanic/Latino															
271				Unknown/NULL															
272	367	c. 1	stop, search, arrest	gender	no													N/A	No data collected currently; Needs to be collected in the future
273				Male															
274				Female															
275				Unknown/NULL															
276																			
277	367	c. 2	documentable reasonable suspicion to stop and probable cause search	actual or perceived race	no													N/A	No data collected currently; Needs to be collected in the future
278				Black															
279				White															
280				Hispanic															
281				Asian															
282				Other															
283				Unknown/NULL															
284	367	c. 2	documentable reasonable suspicion to stop and probable cause search	actual or perceived ethnicity	no													N/A	No data collected currently; Needs to be collected in the future
285				Hispanic/Latino															
286				Non-Hispanic/Latino															
287				Unknown/NULL															
288	367	c. 2	documentable reasonable suspicion to stop and probable cause search	actual or perceived gender	no													N/A	No data collected currently; Needs to be collected in the future
289				Male															
290				Female															
291				Unknown/NULL															
292	367	c. 2	documentable reasonable suspicion to stop and probable cause search	actual or perceived age	no													N/A	No data collected currently; Needs to be collected in the future
293				under 20 years															
294				21-29 years															
295				30-39 years															
296				40-49 years															
297				50-59 years															
298				60+ years															
299				Unknown/NULL															
300																			
301	367	c. 3	searches finding contraband	# of searches finding contraband	no													N/A	No data collected currently; Needs to be collected in the future
302	367	c. 3	searches finding contraband	# of searches finding contraband by district	no													N/A	No data collected currently; Needs to be collected in the future
303				District 1															
304				District 2															
305				District 3															
306				District 4															
307				District 5															
308				outside city															
309	367	c. 3	searches finding contraband	Arrest type	no													N/A	No data collected currently; Needs to be collected in the future
310				Violence toward Police Officer															
311				Violence toward Others															
312				Damage to Property															

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313				Obstructing Justice										
314				Crisis Intervention										
315				Drugs/Alcohol										
316				Other										
317	367	c. 3	searches finding contraband	actual or perceived race	no								N/A	No data collected currently; Needs to be collected in the future
318				Black										
319				White										
320				Hispanic										
321				Asian										
322				Other										
323				Unknown/NULL										
324	367	c. 3	searches finding contraband	actual or perceived ethnicity	no								N/A	No data collected currently; Needs to be collected in the future
325				Hispanic/Latino										
326				Non-Hispanic/Latino										
327				Unknown/NULL										
328	367	c. 3	searches finding contraband	actual or perceived gender	no								N/A	No data collected currently; Needs to be collected in the future
329				Male										
330				Female										
331				Unknown/NULL										
332	367	c. 3	searches finding contraband	actual or perceived age	no								N/A	No data collected currently; Needs to be collected in the future
333				under 20 years										
334				21-29 years										
335				30-39 years										
336				40-49 years										
337				50-59 years										
338				60+ years										
339				Unknown/NULL										
340	367 d bias free policing & community engagement													
341	367	d.1	bias free policing & community engagement	# of community partnerships	yes	District Commanders	57	66	135				33%	yes
342				District 1			.	13	58	N/A	346%		N/A	baseline data not received for District 1
343				District 2			10	13	13	30%	0%		9%	
344				District 3			11	.	12	N/A	N/A		3%	2016 data not received for District 3
345				District 4			22	28	40	27%	43%		22%	
346				District 5			14	12	12	-14%	0%		-5%	
347	367	d. 1	bias free policing & community engagement	# of community partnerships w/youth	yes	District Commanders	14	17	30	50%	-33%		0%	yes
348				District 1			.	3	9	N/A	200%		N/A	yes
349				District 2			4	4	4	0%	0%		0%	yes
350				District 3			2	.	2	N/A	N/A		0%	yes
351				District 4			7	9	14	29%	56%		26%	yes
352				District 5			1	1	1	0%	0%		0%	yes
353	367	d. 1	bias free policing & community engagement	variety of community partnerships	yes	District Commanders								N/A
354				District 1			.	.	.	.	.		.	Can be calculated once adequate data for all Districts has been received
355				District 2			.	.	.	.	.		.	Can be calculated once adequate data for all Districts has been received
356				District 3			.	.	.	.	.		.	Can be calculated once adequate data for all Districts has been received
357				District 4			.	.	.	.	.		.	Can be calculated once adequate data for all Districts has been received
358				District 5			Can be calculated once adequate data for all Districts has been received

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359														
360	367	d.2	bias free policing & community engagement	homicide clearance rate	yes	Homicide Unit	56%	51%	50%	-9%	-2%	-4%	yes	
361	367	d.2	bias free policing & community engagement	# of homicides	yes		127	139	130	9%	-6%	1%	yes	
362				# of homicides solved			71	71	65	0%	-8%	-3%		
363				# of homicides unsolved			56	68	65	21%	-4%	5%		
364	367	d.2	bias free policing & community engagement	Type of homicide	yes	see below	see below	see below					yes	
365				# of domestic violence homicides			12	18	6	50%	-67%	-21%		
366				# of non-domestic violence homicides			115	121	124	5%	2%	3%		
367	367	d.2	bias free policing & community engagement	Homicide victims	yes	see below	see below	see below					yes	
368				Adult male victims			95	110	102	16%	-7%	2%		
369				Adult female victims			23	18	12	-22%	-33%	-19%		
370				Juvenile male victims			7	7	11	0%	57%	16%		
371				Juvenile female victims			2	2	2	0%	0%	0%		
372				unknown			.	.	3	N/A	N/A	N/A		
373														
374	367	d.3	bias free policing & community engagement	# civilian complaints for discrimination	no	OPS	.	.	.					
375	367	d.3	bias free policing & community engagement	disposition of discrimination complaints	no	OPS	.	.	.					
376	367	d.3	bias free policing & community engagement	analysis of biennial survey	yes	ISA hired								results are in a separate document from this baseline document
377	367	e	recruitment measures											
378	367	e.1	recruitment measures	applicants	yes	City Hall Civil Service Commission (CSC)	1410	1459	1180	3%	-19%	-6%	yes	2017 data are from the 2017 test although those hired include applicants from the 2016 list
379				# of qualified recruit applicants			191	151	359	-21%	138%	23%		Category captured in data: "Name has been certified. Candidates are being vetted for the next Academy" (category 11) and "hired/currently in the academy" (category 4) or Not Hired; Left on Eligible List (category 15)
380				# of not qualified recruit applicants			1219	1308	821	7%	-37%	-12%		These are applicants who failed somewhere in the process
381	367	e.1	recruitment measures	applicants by race	yes	see below	see below	see below					yes	
382				White (W)			781	693	526	-11%	-24%	-12%		
383				Black (B)			409	518	440	27%	-15%	2%		
384				Asian (A)			13	11	12	-15%	9%	-3%		
385				Hispanic (H)			154	148	127	-4%	-14%	-6%		
386				Other (O)			44	85	36	93%	-58%	-6%		
387				AI			3	4	12	33%	200%	59%		
388				No Data (.)			6	0	27	-100%	N/A	65%		
389	367	e.1	recruitment measures	applicants by gender	yes	see below	see below	see below					yes	
390				Males			1120	1163	873	4%	-25%	-8%		
391				Females			290	296	298	2%	1%	1%		
392														
393	367	e.2	recruitment measures	Where applicants heard of job	no	CPD; City Hall Civil Service	see below	see below	see below				yes	No data on recruitment activities in baseline
394				City Website			.	40%	54%	N/A	36%	N/A		
395				Friend			.	26%	0%	N/A	-100%	N/A		
396				Google or other search			.	19%	3%	N/A	-85%	N/A		
397				Other			.	14%	14%	N/A	-1%	N/A		
398				Bulletin			.	2%	0%	N/A	-69%	N/A		
399				Word of mouth			.	0%	19%	N/A	N/A	N/A		
400				Social media			.	0%	6%	N/A	N/A	N/A		
401				Article or blog post			.	0%	0%	N/A	N/A	N/A		
402				Advertisement			.	0%	4%	N/A	N/A	N/A		

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403	367	e. 2	recruitment measures	Recruitment Activity	no	CPD; City Hall Civil Service	see below	see below	see below				yes	No data on recruitment activities in baseline
404				Billboards				9	23	N/A	156%	N/A		
405				Billboard Impressions				538043	1077439	N/A	100%	N/A		
406				Regional Transit Bus Posters				20	0	N/A	-100%	N/A		
407				Regional Transit Stations Posters				24	22	N/A	-8%	N/A		
408				Mobile/digital video banner Ads				50000	20000	N/A	-60%	N/A		
409				Facebook, Twitter, Instagram Posts				8	8	N/A	0%	N/A		
410				Blog posts/Websites				60	90	N/A	50%	N/A		
411				Social MediaViewers/Likes	no				714547	N/A	N/A	N/A		New item CPD collects that has been added to 2017 but not specified in Consent Decree
412				Social Media Shares	no				1278	N/A	N/A	N/A		New item CPD collects that has been added to 2017 but not specified in Consent Decree
413				Radio Station Spots				4	4	N/A	0%	N/A		
414				Television				0	0	N/A	0%	N/A		
415	367	e. 2	recruitment measures	# of Recruitment Partnerships	no	CPD; City Hall Civil Service		17	19	N/A	12%	N/A	yes	No data on recruitment activities in baseline
416				All Races				8	15	N/A	88%	N/A		
417				Black				7	3	N/A	-57%	N/A		
418				Hispanic				2	1	N/A	-50%	N/A		
419														
420	367	e. 3	recruitment measures	# of applicants who failed initial screening	yes	City Hall Civil Service Commission	1219	1294	821	6%	-37%	-12%	yes	Same number as above (# of non-qualified applicants); considered anyone who is NOT hired (category 4) and anyone whose name has NOT been certified (category 11)
421	367	e. 3	recruitment measures	reason for failures	yes	City Hall Civil Service Commission	see below	see below	see below				yes	
422				1- Application Rejected				339	282	N/A	-17%	N/A		Application rejected - Not collected in 2015
423				2-Failed agility test				166	119	-28%	-15%	-15%		
424				3-No show for the Agility test				85	113	33%	-20%	2%		
425				4-Hired / Currently in the Academy			N/A to reason for failures	N/A to reason for failures	N/A to reason for failures	N/A	N/A	N/A		
426				5-No response to certification				183	58	-68%	-100%	-100%		
427				6-Passed over				13	8	-38%	-100%	-100%		The 2017 list reported no one who was passed over, however, the 2016 list was used to hire the 2017 class and 47 were passed over
428				7-Removed for background reason(s)				66	39	-41%	-100%	-100%		The 2017 list reported no one who was removed for background reasons, however, the 2016 list was used to hire the 2017 class and 6 were removed for background reasons
429				8-No show for the Psychological Exam				1	0	N/A	N/A	-100%		8 (no show for psych) and 13 (no PHS) are merged in 2016 data; The 2017 list reported no one was a no show, however, the 2016 list was used to hire the 2017 class and 1 was a no show
430				9-No longer interested				19	26	37%	-85%	-41%		The 2017 list reported 4 people who were no longer interested, however, the 2016 list was used to hire the 2017 class and 10 were no longer interested
431				10-Waived				17	102	500%	-90%	-16%		
432				11-Name has been certified. Candidates are being vetted for the next Academy			N/A to reason for failures	N/A to reason for failures	N/A to reason for failures	N/A	N/A	N/A		
433				12-No show for the test				394	263	244	-33%	-7%	-15%	
434				13-Did not submit their Personal History Statement				240	4	0	-98%	-100%	-100%	
435				14-Failed the test				35	223	90	537%	-60%	37%	
436	367	e. 3	recruitment measures	recruit failures by race	yes	City Hall Civil Service Commission	see below	see below	see below				yes	
437				White (W) Failures				658	594	323	-10%	-46%	-21%	

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438				Black (B) Failures			375	492	341	31%	-31%	-3%		
439				Asian (A) Failures			12	9	8	-25%	-11%	-13%		
440				Hispanic (H) Failures			128	133	90	4%	-32%	-11%		
441				Other (O) Failures			41	76	32	85%	-58%	-8%		
442				Native American (AI) Failures			1	4	8	300%	100%	100%		
443				No Data (.) Failures			4	0	19	-100%	N/A	68%		
444	367	e. 3	recruitment measures	recruit failures by ethnicity	yes	City Hall Civil Service Commission	see below	see below	see below				yes	
445				Hispanic/Latino (H)			128	133	90	4%	-32%	-11%	It is unclear whether this information is captured adequately	
446				Non-Hispanic/Latino			1091	1161	731	6%	-37%	-12%		
447	367	e. 3	recruitment measures	recruit failures by gender	yes	City Hall Civil Service Commission	see below	see below	see below				yes	
448				Male Failures			971	1032	592	6%	-43%	-15%		
449				Female Failures			248	277	224	12%	-19%	-3%		
450				unknown gender			.	.	5	N/A	N/A	N/A	unknown not captured in 2015 or 2016	
451	367	e. 3	recruitment measures	recruit failures by self identified disability	no	City Hall Civil Service Commission	.	.	.				N/A	Only have data on veterans; No data collected currently; Needs to be collected in the future
452														
453	367	e. 4	recruitment measures	# of applicants with fluency in other language	no	City Hall Civil Service Commission	N/A	No data collected currently; Needs to be collected in the future
454				list of languages spoken by recruits	no		No data collected currently; Needs to be collected in the future
455														
456	367	e. 5	recruitment measures	# of lateral candidates	yes	City Hall Civil Service Commission	0	210	94	N/A	-55%	N/A	yes	The Division did not recruit laterals in 2015
457	367	e. 5	recruitment measures	laterals by race	yes		see below	see below	see below				yes	The Division did not recruit laterals in 2015
458				White (W)			0	116	37	N/A	-68%	N/A		
459				Black (B)			0	57	37	N/A	-35%	N/A		
460				Asian (A)			0	1	1	N/A	0%	N/A		
461				Hispanic (H)			0	18	7	N/A	-61%	N/A		
462				Other (O)			0	17	9	N/A	-47%	N/A		
463				AI			0	0	1	N/A	N/A	N/A		
464				No Data (.)			0	1	2	N/A	100%	N/A		
465	367	e. 5	recruitment measures	ethnicity	yes		see below	see below	see below				yes	The Division does not recruit laterals
466				Hispanic/Latino			0	18	7	N/A	-61%	N/A		
467				Non-Hispanic/Latino			0	192	87	N/A	-55%	N/A		
468	367	e. 5	recruitment measures	laterals by gender	yes		see below	see below	see below				yes	The Division does not recruit laterals
469				Male			0	174	74	N/A	-57%	N/A		
470				Female			0	35	19	N/A	-46%	N/A		
471				unknown			0	0	1	0%	N/A	N/A		
472	367	e. 5	recruitment measures	Other information on laterals	yes		see below	see below	see below				yes	The Division does not recruit laterals
473				laterals with self identified disability			0	0	0	0%	0%	0%		
474				list of laterals former agencies			0	39	5	N/A	-87%	N/A		represents the number of PDs laterals worked for
475				list of laterals years of service			0	166	12	N/A	-93%	N/A		represents the number of years in which laterals worked for other PDs
476														
477	367	e. 6	recruitment measures	applicant qualifications	yes	City Hall Civil Service Commission	see below	see below	see below				yes	
478				# applicants with 2+ years college	yes		455	802	649	76%	-19%	13%		This category captures those who attended college for 2+ years, but did not obtain a BA degree (includes those with associates degrees)
479				# applicants with college degree	yes		240	247	189	3%	-23%	-8%		

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480			# applicants with 2+ years military	no									No data collected currently; only have 180+days; Needs to be collected in the future
481			# applicants with 180+ days military	yes (new)		161	89	55	-45%	-38%	-30%		New item CPD collects that has been added to baseline but not specified in Consent Decree
482			disabled veterans	yes (new)		14	2	3	-86%	50%	-40%		New item CPD collects that has been added to baseline but not specified in Consent Decree; misreported in 2015 (was reported as 1235)
483													
484	367	e. 7	recruitment measures	pass/fail rate in each phase of pre-employment process	yes	City Hall Civil Service Commission	see below	see below	see below			yes	pass calculated
485				2-Failed agility test			86.38%	90.24%	87.70%	4%	-3%	1%	pass rate calculated
486				3-No show for the Agility test			93.03%	90.73%	89.04%	-2%	-2%	-1%	pass rate calculated
487				4-Hired / Currently in the Academy			N/A	N/A	N/A	N/A	N/A	N/A	pass rate calculated
488				5-No response to certification			84.99%	95.24%	100.00%	12%	5%	6%	pass rate calculated
489				6-Passed over			98.93%	99.34%	100.00%	0%	1%	0%	pass rate calculated
490				7-Removed for background reason(s)			94.59%	96.80%	100.00%	2%	3%	2%	pass rate calculated
491				8-No show for the Psychological Exam			99.92%	N/A	100.00%	N/A	N/A	0%	pass rate calculated; merged with no PHS
492				9-No longer interested			98.44%	97.87%	99.51%	-1%	2%	0%	pass rate calculated
493				10-Waived			98.61%	91.63%	98.78%	-7%	8%	0%	pass rate calculated
494				11-Name has been certified. Candidates are being vetted for the next Academy			N/A	N/A	N/A	N/A	N/A	N/A	pass rate calculated
495				12-No show for the test			67.68%	78.42%	70.28%	16%	-10%	1%	pass rate calculated
496				13-Did not submit their Personal History Statement			80.31%	99.67%	100.00%	24%	0%	8%	pass rate calculated
497				14-Failed the test			97.13%	81.71%	89.04%	-16%	9%	-3%	pass rate calculated
498	367	e. 7	recruitment measures	pass/fail rate by race	yes	City Hall Civil Service Commission	see below	see below	see below			yes	
499				White (W) pass rate			15.75%	14.29%	38.59%	11%	-30%	-8%	pass rate calculated
500				Black (B) pass rate			8.31%	5.02%	22.50%	-14%	-22%	-12%	pass rate calculated
501				Asian (A) pass rate			7.69%	18.18%	33.33%	0%	-1%	0%	pass rate calculated
502				Hispanic (H) pass rate			16.88%	10.14%	29.13%	0%	-5%	-2%	pass rate calculated
503				Other (O) pass rate			6.82%	10.59%	11.11%	-3%	2%	0%	pass rate calculated
504				AI pass rate			66.67%	0.00%	33.33%	0%	-1%	0%	pass rate calculated
505				No Data (.) pass rate			33.33%	.	29.63%	0%	-3%	-1%	pass rate calculated
506	367	e. 7	recruitment measures	pass/fail rate by ethnicity	yes	City Hall Civil Service Commission	see below	see below	see below			yes	
507				Hispanic/Latino (H) pass rate			16.88%	10.14%	29.13%	0%	0%	0%	pass rate calculated
508				Non-Hispanic/Latino pass rate			13.14%	11.44%	30.58%	-1%	-87%	-49%	pass rate calculated
509	367	e. 7	recruitment measures	pass/fail rate by gender	yes	City Hall Civil Service Commission	see below	see below	see below			yes	
510				Male Pass Rate			13.30%	11.26%	32.19%	-25%	82%	11%	pass rate calculated
511				Female Pass Rate			14.48%	6.42%	24.83%	-3%	-6%	-3%	pass rate calculated
512				unknown gender pass rate			.	.	.	N/A	N/A	N/A	pass rate calculated
513	367	e. 7	recruitment measures	pass/fail rate by self identified disability	no	City Hall Civil Service Commission							No data collected currently; Needs to be collected in the future
514													
515	367	e. 8	recruitment measures	avg length of time to move through each phase of preemployment	no								No data collected currently; Needs to be collected in the future
516				avg length of time to process applicants									No data collected currently; Needs to be collected in the future
517													
518	367	e. 9	recruitment measures	composition of recruit class	yes		see below	see below	see below			yes	
519	367	e. 9	recruitment measures	Initial Size of recruit class	yes		52	62	69	19%	11%	10%	yes
520				Remained	yes (new)		44	51	65	16%	27%	14%	New item CPD collects that has been added to baseline but not specified in Consent Decree

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521				Separated	yes (new)		8	11	4	38%	-64%	-21%		New item CPD collects that has been added to baseline but not specified in Consent Decree
522	367	e. 9	recruitment measures	Separated by Race	yes	see below	see below	see below					yes	
523				Black	yes (new)		2	3	0	50%	-100%	-100%		New item CPD collects that has been added to baseline but not specified in Consent Decree
524				White	yes (new)		4	8	4	100%	-50%	0%		New item CPD collects that has been added to baseline but not specified in Consent Decree
525				Hispanic	yes (new)		2	0	0	-100%	N/A	-100%		New item CPD collects that has been added to baseline but not specified in Consent Decree
526				Asian	yes (new)		0	0	0	N/A	N/A	N/A		New item CPD collects that has been added to baseline but not specified in Consent Decree
527				Other	yes (new)		0	0	0	N/A	N/A	N/A		New item CPD collects that has been added to baseline but not specified in Consent Decree
528	367	e. 9	recruitment measures	Separated by Gender	yes	see below	see below	see below					yes	
529				Male	yes (new)		7	8	4	14%	-50%	-17%		New item CPD collects that has been added to baseline but not specified in Consent Decree
530				Female	yes (new)		1	3	0	200%	-100%	-100%		New item CPD collects that has been added to baseline but not specified in Consent Decree
531	367	e. 9	recruitment measures	composition of recruit classes by race		Command Staff/ Academy	see below	see below	see below				yes	
532				Black			8	10	16	25%	60%	26%		
533				White			29	38	51	31%	34%	21%		
534				Hispanic			12	2	2	-83%	0%	-45%		
535				Asian			0	1	0	N/A	-100%	N/A		
536				Other			3	0	0	-100%	N/A	-100%		
537	367	e. 9	recruitment measures	composition of recruit classes by ethnicity		Command Staff/ Academy	see below	see below	see below				yes	
538				Hispanic/Latino			12	2	2	-83%	0%	-45%		
539				Non-Hispanic/Latino			40	60	67	50%	12%	19%		
540	367	e. 9	recruitment measures	composition of recruit classes by gender		Command Staff/ Academy	see below	see below	see below				yes	
541				Male			44	43	54	-2%	26%	7%		
542				Female			8	19	15	138%	-21%	23%		
543				composition of recruit classes by self identified disability	no		.	.	.			.		No data collected currently; Needs to be collected in the future
544	367 f. 1 training measures													
545	367	f. 1	training measures	# of officers provided training pursuant to this agreement	no		.	.	1354	N/A	N/A	N/A		No data collected in 2015 or 2016; 2017 includes UoF CIT not State Re-Qual
546	367	f. 1	training measures	% of officers provided training pursuant to this agreement	no		.	.	94%	N/A	N/A	N/A		No data collected in 2015 or 2016; 2017 includes UoF CIT not State Re-Qual
547	367 f. 2 training measures													
548	367	f. 2	training measures	students' evaluations of the adequacy of training in type and frequency	no	Training	see below	see below	see below				yes	No data collected in 2015 or 2016
549				Instructor adequacy			.	.	87%	N/A	N/A	N/A		instructor increased my understanding of the course material (agree and strongly agree)
550				Content adequacy			.	.	87%	N/A	N/A	N/A		scenarios were practical (agree and strongly agree)
551				Future performance adequacy			.	.	63%	N/A	N/A	N/A		I will perform differently basrf on skills and knowledge gained (agree and strongly agree)
552				Overall adequacy			.	.	79%	N/A	N/A	N/A		Overall I found this training to be valuable (agree and strongly agree)
553	367 f. 3 training measures													
554	367	f. 3	training measures	modifications or improvements to training resulting from the review and analysis required by this agreement	no		.	.	see written report	N/A	N/A	N/A		No data collected in 2015 or 2016; 2017 includes UoF CIT not State Re-Qual. See written report for details
555	367 f. 4 training measures													
556	367	f. 4	training measures	prevalence of training deficiencies as refelected by problematic incidents or performance trends	no		.	.	see written report	N/A	N/A	N/A		No data collected in 2015 or 2016; 2017 includes UoF CIT not State Re-Qual. See written report for details
557	367 g. officer assistance & support efforts													

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558	367	g. 1	officer assistance & support efforts	availability of officer assistance & support services	yes	EAP	see below	see below	see below				yes	
559	367	g. 1	officer assistance & support efforts	use of officer assistance & support services	yes	EAP	11	209	221	1800%	6%	172%		2015 baseline data is underreported as the use of service was not tracked.
560														
561	367	g. 2	officer assistance & support efforts	officer reports of adequacy of officer assistance & support svcs	no	EAP	.	.	92%	N/A	N/A	N/A	yes	No data collected in 2015 or 2016; 2017 includes ratings of agree and strongly agree on all items
562	367	g. 2	officer assistance & support efforts	survey analysis of adequacy of officer assistance & support svcs	no	EAP	.	.	see written report	N/A	N/A	N/A	N/A	No data collected in 2015 or 2016
563	367 h. supervision measures													
564	367	h.	supervision measures	supervisors initial identification of officer violations	no		.	.	.	.	.	.	N/A	No data collected currently; Needs to be collected in the future
565	367	h.	supervision measures	supervisors initial identification of officer performance problems	no		.	.	.	.	.	.	N/A	No data collected currently; Needs to be collected in the future
566	367	h.	supervision measures	supervisors response to officer violations	no		.	.	.	.	.	.	N/A	No data collected currently; Needs to be collected in the future
567	367	h.	supervision measures	supervisors response to performance problems	no		.	.	.	.	.	.	N/A	No data collected currently; Needs to be collected in the future
568	367 i. civilian complaints & investigations & discipline													
569	367	i. 1	civilian complaints & investigations & discipline	# of complaints	yes	IA, Inspections, OPS	294	263	241	-11%	-8%	-6%	yes	Of the 294 cases in 2015, only 45 were completed and only 4 went through the PRB
570	367	i. 1	civilian complaints & investigations & discipline	increases/decreases related to access	no	IA, Inspections, OPS	.	.	.	.	.	.	N/A	No data collected currently; Needs to be collected in the future
571														
572	367	i. 2	civilian complaints & investigations & discipline	# sustained by complaint type	no	IA, Inspections, OPS	2	7	26	250%	271%	135%	yes	PRB looked at 4 cases in 2015
573				False Report			0	0	0	0%	0%	0%		
574				Harassment			0	0	3	N/A	N/A	N/A		
575				Improper Procedure			1	2	12	100%	500%	129%		
576				Infraction Notice (UTT/PIN)			0	0	1	0%	N/A	N/A		
577				Lack of Service			0	1	4	N/A	300%	N/A		
578				Not Provided by Complainant			0	0	0	0%	0%	0%		
579				Other			0	0	0	0%	0%	0%		
580				Physical Abuse/Excessive Force			0	1	0	N/A	-100%	N/A		
581				Unprofessional			1	3	6	200%	100%	82%		
582	367	i. 2	civilian complaints & investigations & discipline	# exonerated by complaint type	no	IA, Inspections, OPS	0	8	61	N/A	663%	N/A	yes	
583				False Report			0	0	0	0%	0%	0%		
584				Harassment			0	1	6	N/A	500%	N/A		
585				Improper Procedure			0	3	23	N/A	667%	N/A		
586				Infraction Notice (UTT/PIN)			0	0	1	0%	N/A	N/A		
587				Lack of Service			0	2	10	N/A	400%	N/A		
588				Not Provided by Complainant			0	0	0	0%	0%	0%		
589				Other			0	0	5	0%	N/A	N/A		
590				Physical Abuse/Excessive Force			0	2	4	N/A	100%	N/A		
591				Unprofessional			0	0	12	0%	N/A	N/A		
592	367	i. 2	civilian complaints & investigations & discipline	# unfounded by complaint type	no	IA, Inspections, OPS	2	13	16	550%	23%	100%	yes	
593				False Report			0	0	0	0%	0%	0%		
594				Harassment			0	1	0	N/A	-100%	N/A		
595				Improper Procedure			1	3	5	200%	67%	71%		
596				Infraction Notice (UTT/PIN)			0	0	0	0%	N/A	N/A		
597				Lack of Service			0	2	4	N/A	100%	N/A		

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598				Not Provided by Complainant			0	0	0	0%	0%	0%		
599				Other			0	0	3	0%	N/A	N/A		
600				Physical Abuse/Excessive Force			0	3	2	N/A	-33%	N/A		
601				Unprofessional			1	4	2	300%	-50%	26%		
602	367	i. 2	civilian complaints & investigations & discipline	# not sustained by complaint type	no	OPS	.	.	.	.	.	.	yes	No data collected currently; Needs to be collected in the future
603				False Report			.	.	.	.	.	.		No data collected currently; Needs to be collected in the future
604				Harassment			.	.	.	.	.	.		No data collected currently; Needs to be collected in the future
605				Improper Procedure			.	.	.	.	.	.		No data collected currently; Needs to be collected in the future
606				Infraction Notice (UTT/PIN)			.	.	.	.	.	.		No data collected currently; Needs to be collected in the future
607				Lack of Service			.	.	.	.	.	.		No data collected currently; Needs to be collected in the future
608				Not Provided by Complainant			.	.	.	.	.	.		No data collected currently; Needs to be collected in the future
609				Other			.	.	.	.	.	.		No data collected currently; Needs to be collected in the future
610				Physical Abuse/Excessive Force			.	.	.	.	.	.		No data collected currently; Needs to be collected in the future
611				Unprofessional			.	.	.	.	.	.		No data collected currently; Needs to be collected in the future
612	367	i. 2	civilian complaints & investigations & discipline	# of administratively dismissed	no	OPS	39	90	126	131%	40%	48%	yes	
613				False Report			1	0	0	-100%	N/A	-100%		
614				Harassment			4	14	43	250%	207%	121%		
615				Improper Procedure			9	28	26	211%	-7%	42%		
616				Infraction Notice (UTT/PIN)			2	4	8	100%	100%	59%		
617				Lack of Service			2	13	17	550%	31%	104%		
618				Not Provided by Complainant			1	0	1	-100%	N/A	0%		
619				Other			2	1	3	-50%	200%	14%		
620				Physical Abuse/Excessive Force			2	4	7	100%	75%	52%		
621				Unprofessional			16	23	21	44%	-9%	9%		
622				Unknown			0	3	0	N/A	-100%	N/A		
623	367	i. 2	civilian complaints & investigations & discipline	# of insufficient evidence	no	OPS	2	33	93	1550%	182%	260%	yes	
624				False Report			0	0	0	0%	0%	0%		
625				Harassment			0	7	24	N/A	243%	N/A		
626				Improper Procedure			0	7	15	N/A	114%	N/A		
627				Infraction Notice (UTT/PIN)			0	0	4	N/A	N/A	N/A		
628				Lack of Service			1	5	9	400%	80%	108%		
629				Not Provided by Complainant			0	0	0	N/A	N/A	N/A		
630				Other			0	0	4	0%	N/A	N/A		
631				Physical Abuse/Excessive Force			0	5	11	N/A	120%	N/A		
632				Unprofessional			1	9	26	800%	189%	196%		
633														
634	367	i. 3	civilian complaints & investigations & discipline	# of complaint allegations supported by a preponderance of the evidence	no	OPS	.	.	.	.	.	.		No data collected currently; Needs to be collected in the future
635														
636	367	i. 4	civilian complaints & investigations & discipline	average length of time to complete by complaint type	yes	OPS	137	409	232	198%	-43%	19%	yes	Average number of days, but depends on completed cases
637				False Report			293	.	.	N/A	N/A	N/A		
638				Harassment			158	383	171	142%	-55%	3%		
639				Improper Procedure			134	354	213	164%	-40%	17%		
640				Infraction Notice (UTT/PIN)			84	303	204	261%	-33%	34%		
641				Lack of Service			179	352	193	97%	-45%	3%		
642				Not Provided by Complainant			105	.	.	N/A	N/A	N/A		

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643			Other			35	.	231	N/A	N/A	88%		2017 other = property
644			Physical Abuse/Excessive Force			130	730	410	462%	-44%	47%		
645			Unprofessional			117	329	203	181%	-38%	20%		
646													
647	367	i. 5	civilian complaints & investigations & discipline	# of officers w/multiple complaints	yes	OPS	34	38	27	12%	-29%	-7%	yes
648				District 1			1	1	5	0%	400%	71%	
649				District 2			4	4	1	0%	-75%	-37%	
650				District 3			4	4	6	0%	50%	14%	
651				District 4			1	9	8	800%	-11%	100%	
652				District 5			5	2	2	-60%	0%	-26%	
653				outside city/other units			4	5	5	25%	0%	8%	
654				# of officers w/repeated sustained complaints	yes	IA, Inspections, OPS	0	0	0	0%	0%	0%	
655													
656	367	i. 6	civilian complaints & investigations & discipline	arrests of officers for conduct	yes	IA	see below	see below	see below				yes
657				on duty			1	2	1	100%	-50%	0%	
658				off duty			14	11	10	-21%	-9%	-11%	
659													
660	367	i. 7	civilian complaints & investigations & discipline	criminal prosecutions for conduct	yes	IA	see below	see below	see below				yes
661				on duty			1	2	0	100%	-100%	-100%	
662				off duty			11	10	8	-9%	-20%	-10%	
663				not prosecuted			2	1	1	-50%	0%	-21%	
664				open			1	0	2	-100%	N/A	26%	
665													
666	367	i. 8	civilian complaints & investigations & discipline	# of civil suits against the City or CDP for work related conduct	yes	City Law Department	8	12	52	50%	333%	87%	yes
667				settled			3	3	42	0%	1300%	141%	As of April 2018
668				not yet settled			5	9	10	80%	11%	26%	As of April 2018
669	367	i. 8	civilian complaints & investigations & discipline	nature of the suits	yes	City Law Department	see below	see below	see below				yes
670				excessive force (including deadly force)			5	6	2	20%	-67%	-26%	
671				unlawful search & seizure			1	1	4	0%	300%	59%	
672				false arrest			1	2	5	100%	150%	71%	
673				discrimination/bias			0	3	0	N/A	-100%	N/A	
674				other violation of consitutional rights (e.g., 1st amendment)			1	1	6	0%	500%	82%	
675				Harassment			0	0	0	0%	0%	0%	
676				improper handling/disposition of property			1	0	3	-100%	N/A	44%	
677				contempt of cop			1	0	0	-100%	N/A	-100%	
678				failure to provide medical assistance			1	1	0	0%	-100%	-100%	
679				other			0	3	12	N/A	300%	N/A	
680	367	i. 8	civilian complaints & investigations & discipline	amount of judgments against	yes	City Law Department	see below	see below	see below				yes
681				number of judgments			23	29	52	26%	79%	31%	2017 data As of April 2018; 2015 and 2016 data as of June 2017
682	367	i. 8	civilian complaints & investigations & discipline		yes	City Law Department	see below	see below	see below				yes
683				number of judgments (closed)			22	21	42	-5%	100%	24%	2017 data As of April 2018; 2015 and 2016 data as of June 2017
684				number of judgments (active)			1	8	10	700%	25%	115%	2017 data As of April 2018; 2015 and 2016 data as of June 2017
685	367	i. 8	civilian complaints & investigations & discipline		yes	City Law Department	see below	see below	see below				yes
686				amount of judgments (closed)			\$ 20,136.82	\$ 1,822.16	\$ 9,000.00	-91%	394%	-24%	2017 data As of April 2018; 2015 and 2016 data as of June 2017

2017 Measures as of August 2018

687				amount of judgments (active)			TBD	TBD	TBD	N/A	N/A	N/A		2017 data As of April 2018; 2015 and 2016 data as of June 2017
688	367	i. 8	civilian complaints & investigations & discipline	amount of settlements	yes	City Law Department	see below	see below	see below				yes	
689				settled			\$ 20,136.82	\$ 1,822.16	\$ 9,000.00	-91%	394%	-24%		2017 data As of April 2018; 2015 and 2016 data as of June 2017
690				not yet settled			TBD	TBD	TBD	N/A	N/A	N/A		2017 data As of April 2018; 2015 and 2016 data as of June 2017

Cleveland Police Monitoring Team

Matthew Barge
Monitor

Commissioner Charles H. Ramsey (ret.)
Principal Deputy Monitor

Chief Hassan Aden (ret.)
Deputy Monitor

Chief Timothy Longo (ret.)
Director of Implementation

Charles R. See
Director of Community Engagement

Christine Cole
Director of Outcome Measures

Dr. Modupe Akinola
Chief Joseph Brann (ret.)

Brian Center

Dr. Randolph Dupont

Maggie Goodrich

Ayesha Hardaway

Ganesha Martin

Richard Rosenthal

Victor Ruiz

Captain Scott Sargent (ret.)

Dr. Ellen Scrivner

Sean Smoot

Timothy Tramble

Monitoring Team

Melissa Bretz
Monitoring Team Coordinator

Brian Chen

Barry Friedman

Maria Ponomarenko

*NYU School of Law Policing Project
Consultants*

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2018, I served the foregoing document entitled Notice Submitting Monitoring Team's Fifth Semiannual Report and Comprehensive Re-Assessment via the court's ECF system to all counsel of record.

/s/ Matthew Barge
MATTHEW BARGE