

Status Snapshot of Cleveland Consent Decree

Monitoring Team's 10th Semiannual Report Summary – Jan-Jun 2021

This document serves as a general overview of the City's and CDP's status toward compliance with the Consent Decree (CD). The status indicators in each section display the City's and CDP's progress in each discreet topic area. However, these cannot possibly capture all the nuances within each CD paragraph or the extent of every effort made in each section. Nevertheless, the Monitoring Team (MT) hopes that the below summary provides a helpful tool for the community to gain an idea of how far along the City and CDP have come in the various areas of the Decree. Ultimately, CDP and the City must demonstrate, through assessments and other evidence, that they are in compliance with every paragraph of the CD in order to come out from under federal oversight.

CDP's policies that have been updated under this Consent Decree can be found online at <https://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/PublicSafety/Police/PolicyProcedures> under "New Revisions - General Police Order"

Legend:

| | | | |
|----------------|--------------------|------------------------|--------------------|
| Non-Compliance | Partial Compliance | Operational Compliance | General Compliance |
|----------------|--------------------|------------------------|--------------------|

COMMUNITY ENGAGEMENT AND BUILDING TRUST

Community Police Commission (CPC), CD paragraphs 15-22

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| ¶21 | ¶19 | ¶18 | ¶17 | ¶20 | ¶¶15, 16, 22 |
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The CPC has been formed, is actively working through its involved workgroups on reviewing CDP's policies, and has continued to host virtual community meetings to continue fulfilling its mandate. There remains a tension between the CPC and the City regarding the scope of CPC's work. While a recent court order will likely improve the informational log-jam from the City to the CPC, the City will have to show that it will comply with the Court's order to do that. Highlights from this reporting period include:

- Launch of CPC's Leaders of Tomorrow intern program, which is financially supported by the City
- Though after this reporting period, in August 2021 all vacant Commissioner's seats were filled on the CPC, returning it to full capacity.

District Policing Committees (DPCs), CD paragraphs 23-26

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| ¶¶24, 26 | ¶¶23, 25 |
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The City has made no meaningful progress toward creating DPCs beyond what existed prior to the Consent Decree. A workgroup with members of the CPC and CDP was created during this reporting period, yet the MT is unaware of any significant progress from those efforts.

COMMUNITY AND PROBLEM-ORIENTED POLICING (CPOP)

CD paragraphs 27-34

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| ¶34 | ¶¶27, 29-33 | ¶28 |
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The COVID-19 pandemic has hindered CDP from fully implementing its CPOP Plan. In 2019, the MT submitted and the Court approved CDP's curriculum for community engagement and problem-solving policing. This reporting period, CDP made major progress in developing its electronic data collection system, which will be essential in assessing whether CDP has adopted CPOP across the Division. Additionally, CDP is nearing finalizing its CPOP policy and CPOP data collection training.

BIAS-FREE POLICING

CD paragraphs 35-44

¶¶41, 43

¶¶35-37, 42, 44

¶¶38-40

CDP has updated its Bias-Free Policing GPO and has conducted Bias-Free Policing training for all CDP members in past years. During this reporting period:

- CDP collaborated with the Dept. of Justice and MT to create a comprehensive 2021 Training on Bias-Free policing which includes elements of procedural justice.
- During after this reporting period, CDP launched this training via its learning management system in September 2021.

USE OF FORCE (UOF)

Use of Force Principles & Policies, CD paragraphs 45-92

¶¶45-48

¶¶49-92

CDP has revised all its UOF policies under the Consent Decree, and is currently in the process of conducting its annual review and update of these policies. At present, the MT is conducting a comprehensive analysis of UOF cases to determine whether CDP officers are complying with the new policies and the terms of the Consent Decree. The MT will soon report on its findings.

Use of Force Investigation and Review, CD paragraphs 93-130

¶¶116, 118, 120-122, 124-130

¶¶93-115, 117, 123

In 2020, CDP finalized policies and procedures regarding UOF review and its Force Investigation Team's mandates. Further, the Court conditionally approved CDP's Force Review Board (FRB) policy in 2020. During this reporting period:

- CDP held two FRB meetings and conducted another in August 2021. The MT was generally impressed with the robust discussion, though notes some concerns with whether it is complying with the requirements to assess the quality of UOF investigations.
- CDP developed and conducted a training for its Force Investigation Team.

CRISIS INTERVENTION

CD paragraphs 131-159

¶¶135, 141, 142, 145, 149-152, 156, 159

¶¶131, 140, 143, 144, 146-148, 154,
155, 157, 158

¶¶132-134, 136-139, 153

Many requirements of this section have reached operational or general compliance. Some points of note:

- The City and CDP have continued to demonstrate progress with the Mental Health Response Advisory Committee ("MHRAC")—the stakeholder group of community, service providers and government representatives—to improve services for those in need of care.
- CDP has also completed four annual in-service trainings for all officers and is making progress towards completing the call-takers, dispatchers, and supervisor training.
- CDP is working hard to add to the number of specialized CIT Officers, with two training classes scheduled for these volunteer officers later in 2021.
- CDP is focused using improved data collection to evaluate progress and to identify areas for improvement in their responses to behavioral crisis events, with initial data analysis providing promising results, such as greater use of EMS, a low rate of injury to people experiencing mental health crises and to officers, and low arrest rates of these persons.

SEARCH AND SEIZURE (S&S)

CD paragraphs 160-175

¶¶160-172, 174-175

¶173

Under the Consent Decree, CDP developed updated policies and conducted an initial training for all officers on S&S related procedures in past years. During this reporting period:

- CDP collaborated with the Dept. of Justice and MT to create a comprehensive in-person training curriculum on S&S, which is began delivering to all members in August 2021.
- CDP developed a policy and delivered a training on data collection procedures for S&S, which will allow CDP (and the Monitors) to better assess whether it is complying with its S&S policy and Consent Decree requirements.

ACCOUNTABILITY

Internally Discovered Misconduct, CD paragraphs 176-192

¶¶177-178, 185, 188

¶¶176, 179, 181-184, 186, 187, 192

¶¶189-191

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The MT is currently conducting a series of evaluations to determine CDP's compliance with ¶176. While CDP has previously created an approved Internal Affairs (IA) Manual and has conducted training for IA investigators, it has a long way to go in this CD area. During this reporting period:

- The IA Superintendent resigned, therefore a comprehensive evaluation of CDP IA investigations likely will not occur until a new IA Superintendent has been appointed and has an opportunity to make reforms in practices and investigations.
- The MT identified continuing problems with Internal Affairs and critical incident investigations, as well as concerns about CDP's processes involving the investigation of probationary officers for misconduct.

Office of Professional Standards (OPS), CD paragraphs 193-229

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¶¶204, 210, 214, 218, 219, 222, 223, 226

¶¶193, 195, 196, 198-200, 202, 203, 205, 206, 208, 209, 211-213, 216, 217, 220, 221, 227-229

¶¶194, 197, 207, 215, 225

OPS has fulfilled many of the preliminary requirements toward achieving a wholly functional office to investigate civilian complaints of officer misconduct. Previously, it brought in a consultant to eliminate its significant backlog of cases. Yet, a recent uptick in open case numbers and investigator caseload will require monitoring. Positively, OPS's case adjudication timelines appear to be improving. OPS still lags in its requirements on employee performance evaluations and a community awareness campaign. The MT is currently assessing sustained OPS cases from June 2019 through December 2020 to determine OPS's compliance with various CD paragraphs.

Police Review Board (PRB), CD paragraphs 230-239

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¶¶232, 235, 238, 239

¶¶230, 231, 233 – 234, 236

Since the adoption of the PRB Operations Manual in 2017, the PRB has convened regularly to address cases that it receives from 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.

Discipline and Disciplinary Hearings, CD paragraphs 240-249

¶¶241, 245, 249

¶¶242, 243, 246-248

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As previously reported, it has taken far too long for cases to receive findings from Command Staff, and there have been significant delays in scheduling pre-disciplinary hearings and in imposing discipline after those hearings. CDP has increased staffing of its Case Preparation Unit, which has had a positive impact on some of these concerns, but the

Division needs to continue taking steps to improve the timeliness of scheduling these hearings and imposing discipline upon their conclusion.

TRANSPARENCY & OVERSIGHT

Police Inspector General (IG), CD paragraphs 250-256

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¶253 – 254

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Position Currently Vacant

While CDP's previous IG had worked hard to complete several comprehensive reports, during this reporting period CDP's first IG resigned his position to become Sheriff. Now that the position is vacant, the MT looks forward to the timely selection of a new IG to ensure continued compliance with paragraphs 250-256.

Data Collection & Analysis, CD paragraphs 257-266

¶¶264, 265

¶¶257-262, 266

¶263

As previously reported, CDP hired a Data Collection and Analysis Coordinator who collects and tracks all information related to uses of force, search and seizures, and allegations of misconduct, as well as having tasks such as routine reporting on and annual assessments of such data. Currently, CDP has improved upon its presentations of detailed use of force data at monthly Compstat meetings. The MT is looking forward to progress with data collection on search and seizure practices (now that the policy and training are approved) and CPOP (the policy and training are near approval), which will provide invaluable data and will allow for assessments moving forward. This will give CDP the opportunity to pursue greater transparency through the public release of data.

Public Availability of CDP-Related Information, CD paragraphs 267-268

¶¶267, 268

CDP made good strides during this reporting period to overhaul its previously inaccessible presentation of policies and other required information on its website. While the organization of the policies on the website could seem a bit confusing for those without close knowledge of the Division's policy manual structure, its current form represents a significant improvement over the previous version. The MT understands that there are plans to improve the website overall at the City level. Additionally, the MT continues to encourage as much transparency as possible about officer activities, especially as the Division increases its overall collection of data.

OFFICER ASSISTANCE & SUPPORT

Training, CD paragraphs 269-290

¶¶271, 272, 274, 275, 282-287

¶¶260, 270, 273, 276, 277, 279-281, 288, 290

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This reporting period, CDP submitted several important trainings on the following topics: Community and Problem Oriented Policing (CPOP), Data Collection Training for CPOP, District Awareness Training, Search and Seizure, Use of Force, Force Investigation Team (FIT), Bias-Free Policing (including procedural justice content), Stop Data Collection, Force Review Board (FRB), and Crisis Intervention policy refresher. CDP also trained on Active Bystandership for Law Enforcement, (ABLE), a nationally recognized peer intervention training, for all its members.

CDP continues to struggle to develop adequate training curricula to satisfy Consent Decree requirements, yet the MT is encouraged about the new Commander who brings an apparent understanding of the task at hand. The Team is hopeful that under this new leadership, CDP will bring its training to the next level. This will be accomplished, in part, by re-engaging the Training Review Committee and by hiring a professional curriculum specialist.

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| Equipment & Resources, CD paragraphs 291-299 | | |
| ¶¶294 | ¶¶291, 299 | ¶¶292, 293, 295-298 |
| <p>The City's annual update and information from the Division of OIT instills confidence that the equipment and resource plan is being followed and funded. CDP is updating its equipment, to include mobile data computers, fleet cars, and smartphones, to enhance efficiency and automation where possible. Notably, the OIT and the Division completed the implementation of the Brazos Data Collection forms. These will collect data for stops, community engagement, crisis intervention, and community and problem-oriented policing. OIT also invested heavily in the public video surveillance system in key City locations. The MT plans to audit the Division's progress in enhancing equipment, IT infrastructure, and resources in the coming months.</p> | | |
| Recruitment & Hiring, CD paragraphs 300-311 | | |
| ¶¶300, 304-306, 309, 311 | ¶¶302, 303, 307, 310 | ¶¶301, 308 |
| <p>CDP's Recruitment and Hiring Plan was approved by the Court in February 2019. The Division continues to work from this Plan and provides regular updates on its activities. Consistent with the national trend, recruiting is increasingly difficult and even more so in the pandemic. Salary, particularly during the academy, continues to be a barrier for CDP's ability to recruit competitively. CDP is in the midst of recruiting a lateral class, and the MT has reminded CDP of requirements that govern the review of lateral class candidates. The MT will continue to analyze the numbers and trends with respect to applicants and hired recruits and provide technical assistance on the Plan's implementation.</p> | | |
| Performance Evaluations and Promotions, CD paragraphs 312-318 | | |
| ¶¶312-318 | | |
| <p>This period, CDP submitted a draft policy on performance evaluations, and a Performance Management Manual and General Police Order for review. The MT is awaiting the receipt of a draft matrix that is an essential accompaniment to the manual and GPO. The current policy on Performance Evaluations dates from 2002.</p> | | |
| Staffing, CD paragraphs 319-321 | | |
| ¶¶320-321 | ¶¶319 | |
| <p>CDP completed the Decree-mandated Staffing Plan in 2017. The MT has not actively assessed CDP's progress on implementing the Staffing Plan. Major requirements of the Decree, such as implementing the community and problem-oriented policing paradigm, are directly linked to the Division's ability to make the operational changes addressed in the Plan. Since staffing remains low, CDP could reimagine its deployments to increase focus on community priorities and abandon services that do not impact community satisfaction or public safety goals.</p> | | |
| SUPERVISION | | |
| First-Line Supervisors, CD paragraphs 322-325 | | |
| ¶¶322-325 | | |
| <p>With training completed on supervisor review of force, the MT will be reviewing how that training is applied in practice. Throughout 2022, the MT will conduct several assessments that will allow it to further evaluate paragraphs 322-325. Furthermore, the MT will review and audit curriculum and training sessions that address supervisors' roles and responsibilities. Supervisor performance will continue to be addressed as work continues on performance issues and how these are tracked and addressed, general performance evaluations, and supervisory roles in use of force and internal affairs incidents.</p> | | |
| Officer Intervention Program (OIP), CD paragraphs 326-336 | | |
| ¶¶326-336 | | |

The Division continued to develop an OIP Policy during this reporting period, and proposed revisions to the OIP program are being discussed. Ultimately, CDP must establish an updated early intervention system, which involves the regular review of performance data by supervisors and appropriate intervention when certain levels of concern are met. Furthermore, the Division will need to train all officers on the system to instill the understanding that it is a non-punitive system designed to assist in professional development and to provide resources, training, and other investments to officers so that officers succeed.

Body-Worn Cameras, CD paragraphs 337-340

¶¶338, 339 ¶¶337, 340

Currently, all CDP patrol officers are equipped with a body-worn camera and are expected, under policy, to use them when working a City shift. CDP's officers continue to use them to capture incidents and interactions. Upcoming MT audits of uses of force and misconduct investigations should shed light on officers' compliance with this policy. Two issues of note:

- The MT's concern about use of deadly force incidents by CDP personnel working secondary employment who are in full CDP uniform but not equipped with their camera.
- The City and CDP's continued need to establish a general policy for the release of records, data, and information—including but not limited to body-worn camera footage—to the public.

OUTCOME ASSESSMENTS

Biennial Community Survey, CD paragraphs 361-366

The biennial community survey described in the above paragraphs was delayed due to the COVID-19 pandemic. The MT is assessing to determine when would be the appropriate time to conduct these surveys.

Outcome Measurements, CD paragraph 367

The Consent Decree sets forth several specific outcome assessments in paragraph 367 that are largely quantitative measures across various domains. These outcome measures are aimed at understanding whether the implementation of the specific policies, procedures, and ways of providing policing services envisioned by the Consent Decree are indeed resulting in behavior change that leads to safe, fair, effective, and constitutional policing. In 2019, the CDP took responsibility for the assembly of these data directly. Notably, based on the outcome measures collected for various use of force indicators, even including the numbers of uses of force related to the May 2020 protest events, use of force is down, the severity of injuries to officers is down, and de-escalation attempts increased. The MT is currently working on qualitative assessments in key areas – use of force and cases from the Office of Professional Standards (OPS), (following them through the Police Review Board (PRB) to the Director of Public Safety). The MT looks forward to reporting on its findings in the near future.