

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 CITY OF</u>
CITY OF CLEVELAND)	<u>CLEVELAND 2023 IN-SERVICE</u>
)	<u>TRAINING SESSION II MATERIALS</u>
Defendant.)	
)	
)	

I. INTRODUCTION

The Monitoring Team respectfully submits the finalized City of Cleveland (“the City” or “Cleveland”) Session II materials for its 2023 In-Service Training for the Cleveland Division of Police (“CDP” or “Division”), which include a training module on Conducted Electrical Weapon (“CEW” or “TASER 7”) and module on Community and Problem Oriented Policing (CPOP). The modules are attached hereto as Exhibits A and B, respectively.

The Consent Decree requires the City to provide current officers with “training that is adequate in quality, quantity, scope, and type” for both use of force and CPOP.¹ The Monitoring Team has carefully reviewed the two referenced training modules and provides the below assessment.

¹ Dkt. 413-1, Ex. A ¶84 & ¶30.

II. 2023 TASER 7 TRAINING

As a part of the ¶84 requirements of the Consent Decree, CDP's use of force training must include "the proper deployment and use of all intermediate weapons or technologies."² Paragraph ¶84 also includes requirements for use of force training to cover de-escalation, decision-making, and to employ role-playing scenarios to emphasize these important skills and policy requirements.

The 2023 TASER 7 training begins with drills on the use of the TASER 7, which addresses CDP's stated desire that this training fulfills the TASER 7 recertification requirement. The drills include practice of these skills: loading, drawing and re-holstering, arming, arcing, aiming, firing, and reloading the CEW. These drills are accomplished by the instructor first explaining the skill, then demonstrating the skill, then requiring the students to practice the skill while being observed by the instructor.

After completing the drills, the students are presented with a scenario where they are faced with an incident and have to use decision-making, de-escalation, and careful tactics to determine how to approach the subject and whether use of CEW is appropriate, per CDP's use of force policy, given how the scenario develops. The scenario is followed by a debrief to discuss the outcome of the encounter. During the debrief, students are asked to provide justification for the contact and any entry into the residence, to explain their process of threat assessment, their application of procedural justice, their utilization of de-escalation to slow down the encounter, and other tactics and considerations relevant to the scenario. The debrief also includes a

² Dkt. 413-1, Ex. A ¶84.

discussion of policy requirements that apply to the scenario and a discussion of whether the role-player would do anything differently now that they are reflecting on the incident.

The Monitoring Team believes that the attached TASER 7 lesson plan provides guidance and practice on use of the CEW and application of this intermediate tool in compliance with the Consent Decree. During the Monitoring Team's collaboration with CDP on this lesson plan, it was noted that ¶84 does include other training topic requirements, both on use of force generally and on CEWs specifically, that are not entirely covered by the attached training module. As the principal goal of this training is TASER 7 recertification, the CDP assured the Monitoring Team that more comprehensive use of force training will be included in 2023's Session III training modules entitled "Integrated Reality-Based Training Scenarios" and "Session III Preload," as described in the 2023 Training Plan.³

III. 2023 CPOP TRAINING

Paragraph ¶30 of the Consent Decree requires annual in-service training covering CPOP. The paragraph enumerates mandated topics to be included in the training, such as strategies to improve public safety through community engagement, developing problem-solving partnerships with community, effective communication and interpersonal skills, among other topics.⁴ Such training is supposed to reinforce the integration of a community and problem-oriented policing model throughout CDP's management, procedures, and accountability structures.

The 2023 CPOP Training underwent significant collaborative efforts between the Monitoring Team, the U.S. Department of Justice and CDP, and the resulting training materials

³ Dkt. 465-1, Ex. A at 17.

⁴ Dkt. 413-1, Ex. A ¶30.

demonstrate a sound training program to clarify CPOP and integrate its principles through CDP's field operations. The CPOP Training begins with a discussion on CDP's CPOP policy requirements, ensuring students understand their basic requirements under Division policy. An early small group exercises prompts student to discuss how they can incorporate community engagement activities aimed at forming lasting partnerships, and how they can employ problem oriented policing strategies into their regular course of duty. The training proceeds into a more in-depth conversation of different policing strategies and how such strategies may facilitate community engagement and problem-solving. The lesson plan continues by discussing the SARA model (Scanning, Analysis, Response, Assessment), which leads into a large group exercise requiring students to apply the SARA model to a given scenario. After this robust scenario, the instructor will address CDP's data collection requirements for community engagement and CPOP activities, walking students through how to properly fill out data forms. The training wraps up with a capstone activity, whereby groups of students are presented with a community problem, and they must work through their assigned problem using the SARA model.

IV. CONCLUSION

The task of the Monitoring Team is to duly consider whether the City's Session II materials for its 2023 In-Service Training materials meet the terms of the Consent Decree. The TASER 7 and CPOP Training modules attached hereto meet specific subparagraphs of their respective Consent Decree paragraphs (§84 for TASER and §30 for CPOP), and therefore the Monitoring Team requests that the Court approve both the 2023 TASER 7 Training and the 2023 CPOP Training.

Respectfully submitted,

/s/ Ayesha Bell Hardaway

Ayesha Bell Hardaway
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CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2023, I served the foregoing document entitled **Notice Submitting City of Cleveland 2023 In-Service Training Session II Materials** via the court's ECF system to all counsel of record.

/s/ Ayesha Bell Hardaway
AYESHA BELL HARDAWAY

ⁱ The information included in this filing and the related work were completed during the filer's service as Interim Monitor. Attorney Karl Racine was appointed Monitor by Order of the Court on April 12, 2023 and is aware of this filing.