

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:15-CV-01046
)	
Plaintiff,)	
)	JUDGE SOLOMON OLIVER, JR.
vs.)	
)	<u>MOTION TO APPROVE THIRD-YEAR</u>
CITY OF CLEVELAND)	<u>MONITORING PLAN</u>
)	
Defendant.)	
)	
)	

Pursuant to Paragraph 369 of the Consent Decree between the City of Cleveland (the “City”) and the United States ordered by this Court on June 12, 2015, the Monitoring Team submits the Third-Year Monitoring Plan, attached hereto as Exhibit A (the “Monitoring Plan,” “Third-Year Plan,” or “Plan”). The City and United States (together, the “Parties”) and the Cleveland Division of Police (“CDP” or the “Division”) have collaborated closely and effectively with the Monitoring Team to produce a process for effectively and efficiently implementing the Decree’s requirements, with the City taking the lead in setting the agenda for the work that it believes it can address in the upcoming year.

Like previous Monitoring Plans, the Third-Year Plan continues to set goals, deadlines, and milestones for complying with the Decree’s requirements while ensuring that individuals and

organizations across Cleveland’s diverse communities—including the men and women of the Division themselves—have a voice in how police services are delivered. Accordingly, the Monitoring Team and Parties respectfully request that the Court approve the Third-Year Plan.

I. OVERVIEW OF THE MONITORING PLAN

The Third-Year Plan is intended to provide a structure for the day-to-day and week-to-week efforts that stakeholders from across the Cleveland community need to undertake to ensure that the Consent Decree is implemented in a manner aimed at “ensuring . . . police services in Cleveland” are “constitutional, effective, and consistent with community values, while preserving officer and public safety.” Dkt. 7-1 at 6. This Memorandum summarizes the major milestones set forth in the Third-Year Monitoring Plan in order to give the Court and the public a roadmap of the objectives that the Parties, the Division of Police, and the Monitoring Team expect to focus on in the third year of the Decree’s implementation.

To improve readability and ease of use, the Third-Year Plan uses a slightly modified format from previous plans. Milestones are now grouped by Area and Sub-Area columns, rather than under rows that indicate broader achievements required under the Decree. As with prior Monitoring Plans, each key result or milestone is associated with at least one “responsible stakeholder.” That stakeholder, or set of stakeholders, is responsible for achieving the key result or reaching the milestone indicated. Accomplishing the result or milestone is achieved by providing the “deliverable” identified in each row by the deadline provided in the “deadline” column.

The Plan covers the period of February 1, 2018 through January 31, 2019, with a limited number of deadlines falling beyond January 31, 2019.

II. MAJOR MILESTONES ANTICIPATED UNDER THE PLAN

The third year of Consent Decree implementation addresses real-world implementation of a host of critical changes within the Division. This includes required implementation of new systems, procedures, and protocols for use of force investigations, officer misconduct investigations, and community and problem-oriented policing.

Among other deliverables under the Third-Year Plan, the Parties will focus on finalizing plans for and beginning the implementation of important organizational changes within the Division, including the adoption of a comprehensive community and problem-oriented policing approach, a staffing plan, a defined plan for recruiting and hiring officers, and equipment and resources. The Parties will also dedicate substantial attention on completing key CDP policies and manuals for search and seizure, supervisory investigations of officer use of force, the Force Investigation Team, and the Force Review Board—and actively implementing all of these initiatives.

Under the Plan, the Cleveland Community Police Commission (“CPC” or “Commission”) will gather, synthesize, and submit community feedback for CDP’s revised search and seizure policies, as well as for CDP’s plans for the District Policing Committees, Community and Problem-Oriented Policing, Staffing, and Recruitment and Hiring. Altogether, these policies and plans address fundamental police-community dynamics, including the rules that guide police-civilian encounters, the way in which officers will collaborate with the community to solve public safety problems, and the organizational changes necessary to ensure that officers have the time and resources to implement community policing. For that reason, the Third-Year Plan provides dedicated time for the Commission to effectively and comprehensively gather residents’ input.

The Plan also calls for extensive development of officer training. In addition to continued training on the use of force and crisis intervention, in-service training will commence on critical new topics, including community and problem-oriented policing, bias-free policing, and search and seizure. As always, most substantive areas of policy and process reform require the successful completion of officer training in order to become effective in the real world.

In the area of accountability, the City's Department of Public Safety will hire an Administrator, Supervisory Investigator, and Community Relations Coordinator for the Office of Professional Responsibility ("OPS"). These hires are critical to the ongoing work to improve OPS's ability to adjudicate citizen complaints, and the hiring deadlines are appropriately aggressive. The Third-Year Plan also introduces a requirement for the City to provide quarterly updates on the status of OPS. This new requirement will allow the Parties and Monitoring Team to assess OPS's performance—especially in its progress to reduce its backlog of cases—with the degree of scrutiny that the Court has previously indicated the area should receive.

V. CONCLUSION

The task of the Monitoring Team is to craft a plan for monitoring CDP's implementation of the Consent Decree during its third year. Because the Third-Year Plan continues to set clear goals and asks the Cleveland community to continue its direct and substantive participation in the reform process, the Monitoring Team and Parties together respectfully request that the Court approve the Third-Year Monitoring Plan and order it effective immediately.

Respectfully submitted,

/s/ Matthew Barge

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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2018, I served the foregoing document entitled Motion to Approve Cleveland Division of Police Learning Management System via the court's ECF system to all counsel of record.

/s/ Matthew Barge
MATTHEW BARGE