

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.	)	
	)	<b><u>NOTICE SUBMITTING USE OF FORCE</u></b>
CITY OF CLEVELAND	)	<b><u>LEARNING MANAGEMENT SYSTEM</u></b>
	)	<b><u>TRAINING</u></b>
Defendant.	)	
	)	
	)	

Pursuant to Paragraph 86 of the Consent Decree and the 2021 Monitoring Plan in the above-captioned matter, the City of Cleveland (the “City”), on behalf of the Cleveland Division of Police (“CDP” or “Division”), submitted an In-Service Proposed Training for Use of Force to the Monitoring Team, consisting of a Learning Management System (LMS) training. Exhibit A, UOF LMS Training.

The Monitoring Team has carefully reviewed the training and determined that it provides sufficient guidance to refresh CDP officers on the Division’s revised Use of Force policies. Although the training will be presented on-line, it does utilize effective adult learning techniques. The Monitoring Team therefore recommends that the Court approve CDP’s Use of Force LMS Training.

## **I. SUMMARY OF CONSENT DECREE REQUIREMENTS REGARDING SEARCH AND SEIZURE TRAINING**

Paragraph 86 of the Consent Decree requires that “CDP will provide all officers with annual use of force in-service training that is adequate in quality, quantity, type, and scope.” While Paragraph 86 is brief, Paragraph 85, provides relevant topics, including, *e.g.*, proper use of force decision-making, use of force reporting requirements, the Fourth Amendment and related law; and de-escalation techniques.

## **II. STANDARD OF REVIEW**

The Monitoring Team’s role is to “assess and report whether the requirements” of the Consent Decree “have been implemented.” Dkt. 7-1 at ¶ 351; *accord id.* ¶ at 352 (requiring the Monitor to “review . . . policies, procedures, practices, training curricula, and programs developed and implemented under” the Decree). The task of the Monitoring Team here is to determine whether the Proposed UOF LMS complies with the Consent Decree’s requirements.

## **III. ANALYSIS OF THE SEARCH AND SEIZURE TRAINING**

The Division’s Search and Seizure Training Curriculum is a LMS-based in-service training designed to refresh all CDP officers on the revised Use of Force policies and explore specific issues around Use of Force. The CDP training unit developed the training with input from the Department of Justice and Technical Assistance from the Monitoring Team.

As stated in the training, the goal of the instruction is as follows:

In this block of instruction, we will review material from the previous use of force courses, de-escalation strategies, levels of resistance and critical firearms discharge. We are going to discuss levels of force, reporting requirements and when intermediate weapons are authorized per our policy. Finally, we will analyze and apply our use of force general police orders using two use of force video case studies.

Critically, the training presents the core Use of Force requirements in CDP policy: all use of force must be Reasonable, Necessary, and Proportional, and De-escalation techniques shall be used, when feasible. The training includes examples of de-escalation techniques, such use of time, distance, and cover; hearing and listening; strategic communication; and use of additional resources as appropriate. The LMS training also discusses the categorization of force into Levels I, II, and III, with III being the most serious, as well as the reporting requirements for each. Use of less-lethal weapons, such as the ASP baton and OC (pepper) spray, is presented in the training, as well as mandates to provide medical care and summon medical assistance after such less-lethal deployments.

The training uses adult-learning techniques such as “knowledge checks” or mini-quizzes to ensure that officers understand the training content. Additionally, the training incorporates two video scenario case studies, with associated questions that explore the reasonableness of actions taken by the officers in the video. These scenarios incorporate topics such as de-escalation, analysis of force, lawful authority, communication, and use of force reporting requirements.

## **V. CONCLUSION**

The task of the Monitoring Team is to duly consider whether the City’s submitted Use of Force LMS Training satisfies the terms of the Consent Decree. The Monitoring Team concludes that the Proposed Training Curriculum meets the terms of the Consent Decree. Accordingly, the Monitoring Team approves the Use of Force LMS Training in its entirety and requests that this Court order it effective immediately.

Respectfully submitted,

/s/ Hassan Aden

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HASSAN ADEN

Monitor

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 12, 2021 I served the foregoing document entitled **NOTICE**  
**SUBMITTING USE OF FORCE LEARNING MANAGEMENT SYSTEM TRAINING** via  
the court's ECF system to all counsel of record.

/s/ Brian G. Maxey  
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BRIAN G. MAXEY