

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 CDP’S CROWD</u>
CITY OF CLEVELAND)	<u>MANAGEMENT AND USE OF FORCE</u>
)	<u>POLICY REVIEW AND FIELD FORCE</u>
Defendant.)	<u>EQUIPMENT FITTING TRAINING</u>
)	
)	

I. INTRODUCTION

Pursuant to Paragraphs 45, 86 and 269 of the Consent Decree in the above captioned matter, the City of Cleveland (the “City”), on behalf of the Cleveland Division of Police (“CDP” or “Division”), submitted its Crowd Management and Use of Force Policy Review and Field Force Equipment Fitting Training Curriculum (“Training Curriculum”), attached hereto as Exhibit A. This training, delivered in-person, is an opportunity for Division members to absorb the requirements of CDP’s new suite of crowd management policies as well as the updates to its use of force policies as they relate to crowd management. These policies were previously submitted to the Court on December 6, 2022.¹

The Monitoring Team has carefully reviewed the Crowd Management and Use of Force Policy Review and Field Force Equipment Fitting Training. The Team has determined that it aptly

¹ Dkt. N. 454.

covers essential material for officers to understand how to navigate crowd management environments per CDP's new policy requirements. The Training Curriculum includes a review, discussion and interactive classroom exercises on several topics related to crowd management, including the following: CDP General Police Orders ("GPOs") on crowd management, the distinction between demonstrations and civil disturbances, procedures on National Incident Management System/Incident Command System (NIMS/ICS), requirements pertaining to uses of force occurring during crowd management events, de-escalation, event and force reporting, field force operations, mass arrests procedures, grenadier protocols, long-range acoustic device procedures, and personal protection equipment use and fitting.

II. TRAINING CURRICULUM ANALYSIS

Paragraph 269 of the Consent Decree requires that "all officers receive adequate training to understand: (a) how to police effectively and safely in accordance with CDP policy; (b) the requirements of this Agreement, Ohio law, and the Constitution and laws of the United States." The Monitoring Team has carefully reviewed the Training Curriculum and it has determined that it provides suitable guidance on how to appropriate police in a crowd management environment. The training delivers a review on key subjects covered in its new and updated GPOs, such as understanding the difference between demonstrations, civil disobedience and civil disturbances. It also provides a solid basis on NIMS/ICS protocols, which are nationwide protocols that allow for consistency and coordinated responses when an event requires response by multiple agencies. It reviews how to properly handle and report use of forces in crowd management situations while emphasizing the importance of de-escalation and respecting the public's First Amendment rights.

The training also covers operations that may occur once a demonstration has turned into a civil disturbance and policy requirements for how to conduct such operations. All of these topics

are trained through various teaching methods, to include lecture, small group discussions, questions posed to class participants to elicit answers, and a video case study and debrief. Lastly, the training provides officers with an opportunity to ensure they are prepared to respond to crowd management situations by requiring members to inventory and fit their personal protective equipment and to practice basic field force formations and commands. In sum, the Training Curriculum provides officers with an adequate training on how they are expected to effectively and safely fulfill their duties by complying with CDP's crowd management and use of force GPOs, while prioritizing de-escalation and the public's Constitutional rights.

III. CONCLUSION

The Monitoring Team's role is to "assess and report whether the requirements" of the Consent Decree "have been implemented."² The task of the Monitoring Team here is to determine whether the Crowd Management and Use of Force Policy Review and Field Force Equipment Fitting Training Curriculum complies with the Consent Decree's requirements. Having reviewed the training and engaged in discussions with the parties to this matter, the Monitoring Team finds that it does. Accordingly, the Monitor approves the Training Curriculum and requests that this Court order it effective immediately.

Respectfully submitted,

/s/ Ayesha Bell Hardaway

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² Dkt. 413-1 at ¶ 351; *accord id.* ¶ at 352 (requiring the Monitor to "review . . . policies, procedures, practices, training curricula, and programs developed and implemented under" the Decree).

CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2023 I served the foregoing document entitled Crowd Management and Use of Force Policy Review and Field Force Equipment Fitting Training Curriculum via the court's ECF system to all counsel of record.

/s/ Ayesha Bell Hardaway
AYESHA BELL HARDAWAY