

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 REVISED</u></b>
CITY OF CLEVELAND	)	<b><u>CRISIS INTERVENTION POLICY</u></b>
	)	<b><u>AND PROCEDURES FOR COURT</u></b>
Defendant.	)	<b><u>APPROVAL</u></b>
	)	

Pursuant to Paragraphs 154 through 156 of the Consent Decree, a host of the Decree’s other substantive requirements, the City of Cleveland (the “City”) has submitted a revised Crisis Intervention Policy and Procedure (the “CIT Policy”) to the Monitor.<sup>1</sup> The revised Cleveland Division of Police’s (“CDP”) Crisis Intervention Policy consists of three parts. The first part defines the terms in the crisis policy and is titled the Crisis Intervention Team Definitions (Exhibit A), the second part describes the overall crisis strategy and is titled the Crisis Intervention Team Program (Exhibit B) and the third part indicates officers’ responsibilities during a crisis event and is titled Crisis Intervention Response (Exhibit C). The policy under consideration is designed to update the current crisis intervention policy to include references to CDP policies developed since

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<sup>1</sup> Dkt. 413-1, Exhibit A at ¶154-156; Dkt. 416.

that period including Youth in Crisis, Crisis Incident De-escalation, and Use of Force. Additionally, revision ensures compliance with changes in Sec. 5122.10 of the Ohio Revised Code on Emergency Hospitalization and maintains consistency with the initial Crisis Intervention Policy approved by the court in January 2017. The Monitoring Team has carefully reviewed the proposed CIT Policy. The Team has determined that it provides an important revision of the CDP Crisis Intervention Policy and the role of the CIT Officer that is consistent with previous court-approved policies. Since the City has submitted a CIT Policy that continues to meet the requirements of the Consent Decree, the Monitoring Team recommends approval of the revised policy and procedures.

## **I. SUMMARY OF CONSENT DECREE REQUIREMENTS REGARDING CRISIS INTERVENTION TEAM POLICY AND PROCEDURES**

The Consent Decree envisions that the Division's Crisis Intervention Program should build upon and improve its Crisis Intervention Program, with the following goals: "a) assisting individuals in crisis; b) improving the safety of officers, consumers, family members, and others within the community; c) providing the foundation necessary to promote community and statewide solutions to assist individuals with mental illness; and d) reducing the need for individuals with mental illness to have further involvement with the criminal justice system."<sup>2</sup> Additionally, the purpose of the crisis policy was to make clear, among other things, that: 1) "crisis intervention responses may be necessary even in situations where there has been an apparent law violation", 2) "specialized CIT officers have appropriate discretion to direct individuals with mental health and substance abuse issues to the health care system, rather than the judicial system, in those incidents

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<sup>2</sup> *Id.* at ¶131.

where it is appropriate to do so,” and 3) “specialized CIT officers, when available, must be dispatched to all calls or incidents that appear to involve an individual in crisis.”<sup>3</sup>

## **II. PROCEDURAL HISTORY**

CDP initiated a review of the Crisis Intervention Policy to address issues of changes in the Ohio Revised Code concerning emergency hospitalization and newly developed policies that had important relevance to the Crisis Intervention Program. A Task Force of the Mental Health Response Advisory Committee’s (“MHRAC” or “the Committee”) Quality Improvement Subcommittee was formed to work with CDP to accomplish this goal. However, as the meetings progressed, participating community advocates identified inconsistencies between the court-approved policy and a newly posted policy on the City’s website. The advocates persisted in highlighting these issues and their work should be recognized. The inconsistency was brought to the attention of the court and issue was addressed by CDP with continued input by advocates participating in MHRAC process. Additional review and intensive work by the Department of Justice (“DOJ”) on the policy should be noted and was appreciated.

This process speaks to the importance of MHRAC’s role and the participation of community members in advising CDP on crisis intervention events. This same civic participation in the MHRAC Quality Improvement Subcommittee has continued and is an important part of the CDP Crisis Intervention Program improvement. The revised policy reflects the input and review of the MHRAC Quality Improvement Task Force and the membership of MHRAC as a whole. The Department of Justice and the Monitoring Team then reviewed the final draft. This is a change

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<sup>3</sup> *Id.* at ¶153-157.

from earlier processes where the DOJ and the Monitoring Team were active participants in policy development. The review by DOJ and the Monitoring Team after the policy was developed required that CDP and MHRAC have greater responsibility for providing leadership. While there were some challenges encountered in the new process, the change in the review process reflects a movement from direct CDP technical assistance to a goal of a self-directed CDP assessment process as required by this stage of the Consent Decree.

### **III. STANDARD OF REVIEW**

The Monitoring Team's role is to "assess and report whether the requirements" of the Consent Decree "have been implemented."<sup>4</sup> The task of the Monitoring Team here is to determine whether the Proposed Crisis Intervention Team Policy complies with the Consent Decree's requirements. The procedural history outlined in the previous section highlights the relationship that has developed between the Cleveland Division of Police, and the community advisory work of MHRAC as was required by the Consent Decree. This relationship was critical to the revision of the Crisis Intervention Policy. This work indicates the requirements of the Consent Decree are being met.

### **IV. ANALYSIS OF THE CRISIS INTERVENTION TEAM POLICY**

The revised Cleveland Division of Police CIT Policy meets the requirements of the Consent Decree. The CIT Policy Crisis Response portion continues to address the relationship between CDP Communications and the CIT Officer as well as the officer's role in voluntary referrals and

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<sup>4</sup> *Id.* at ¶351-352 (requiring the Monitor to "review . . . policies, procedures, practices, training curricula, and programs developed and implemented under" the Decree).

involuntary hospitalization. Officers will have a wide range of options for transporting individuals including emphasis on the role of the Cleveland Emergency Medical Services (“EMS”).

The specific requirements of the Consent Decree continue to be addressed as well. The revised CIT Policy was to make clear that crisis intervention responses may be necessary even in situations where there has been an apparent law violation. All officers have appropriate discretion to direct individuals with mental health and substance abuse issues to the health care system. Specialized CIT Officers, when available, are to be dispatched to all calls or incidents that appear to involve an individual in crisis.

The policy continues to go beyond what is required by the Consent Decree in establishing a best practice for crisis intervention. For example, the community-based Advisory Committee is required by the Consent Decree but has been written into policy as well. The policy coordinates with community resources to assist those in need. Officers are encouraged to contact community resources for both adults and youth as needed and the policy continues to address the needs of youth and provides special guidance for the officer. These are just a few of the issues that are addressed in the policy that go beyond the specific requirements of the Consent Decree.

## **V. CONCLUSION**

The task of the Monitor was to consider whether the City’s submitted revised CIT Policy satisfies the terms of the Consent Decree. The Monitoring Team concludes that the policy continues to meet the terms of the Consent Decree. The CIT Policy addresses the revisions required by the Ohio Revised Code for emergency hospitalization. The policy now includes references to CDP policies developed since the original Crisis Intervention Policy was approved by the court. These include policies addressing Youth in Crisis, Crisis Incident De-escalation, and

the Use of Force. Next, the policy revisions were developed in a process that made use of input from the community-based MHRAC Task Force and MHRAC membership. Active participation from advocates who were part of MHRAC helped ensure that the policy was consistent with the initial court-approved document. The Monitor approves the Proposed Crisis Intervention Policy in its entirety and requests that this Court order it effective immediately.

Respectfully submitted,

/s/ Hassan Aden

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HASSAN ADEN

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 17, 2022, I served the foregoing document entitled Notice Submitting Revised Crisis Intervention Policy and Procedures for Court Approval via the court's ECF system to all counsel of record.

/s/ Ayesha Bell Hardaway  
AYESHA BELL HARDAWAY