

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,)	
vs.)	JUDGE SOLOMON OLIVER, JR.
)	
CITY OF CLEVELAND,)	
)	
Defendant.)	<u>CITY OF CLEVELAND'S</u>
)	<u>SIXTH STATUS REPORT</u>

I. Introduction

Paragraph 387 of the Settlement Agreement/Consent Decree directs that the City is to file a status report every six months thereafter while the Consent Decree is in effect.

This report will delineate the steps taken by CDP during the reporting period to comply with this Agreement; CDP's Assessment of the Status of its progress; plans to correct any problems; and response to concerns raised in the Monitor's previous semi-annual report.

The City files its Sixth semi-annual status report for the period following the City's Fifth Status Report (Dkt. 144).

A. Third Year Monitoring Plan

The Third Year Monitoring Plan (Dkt. 195-1) was approved by the Court On May 3, 2018. (Dkt. 197). The third-year plan establishes goals, deadlines, and milestones to be accomplished during the period February 1, 2018 through January 31, 2019. The City's report addresses the first six months of this period.

The Third-Year Monitoring Plan addresses ongoing organizational changes within the Cleveland Division of Police ("CDP"), to include a focus on the finalization of a

comprehensive community and problem-oriented policing program, the CDP staffing plan, the defined plan for recruiting and hiring officers, and CDP's equipment and resources plan. Much work has been undertaken during the first half of the third year plan period toward addressing these topics along with ongoing attention to new CDP policies and manuals addressing search and seizure, in-service training, the Force Investigation Team ("FIT"), and Internal Affairs.

B. Monitor's Fifth Semi-annual Report

The Monitor Team released its "Fifth Semiannual Report and Comprehensive Re-Assessment" on August 15, 2018. The Court conducted a public status conference addressing the Monitor's report on that same date. The Monitor's Fifth report was constructed to provide a "wide-ranging look at the progress made, efforts currently underway, and work remaining toward the City of Cleveland's...compliance with the Consent Decree involving the Cleveland Division of Police..." (Dkt. 214, p. 1).

The Monitor's report recognizes, as was addressed in detail in prior reports, that the City and the CDP have "made notable and significant progress in a number of critical areas , including, first and foremost, with respect to use of force." (*Id.*). The Monitor recognizes the hard work and "great strides" made with respect to CDP's "interacting with individuals experiencing behavioral health crises." (Dkt. 214, p. 2). Other areas of progress recognized by the Monitor include the ongoing efforts to partner with the community, to include "crafting comprehensive plans on community and problem-oriented policing, staffing, and the recruitment and hiring of new officers." (*Id.*)

The Monitor's report also documents the improved technological and equipment resources available to officers. Improvements include a new records management system,

the new learning management system, the installation of mobile data computers in patrol cars, the implementation of a strategic car replacement plan, and the full implementation of the upgraded Computer-Aided Dispatch platform. (*Id.*).

II. Steps Taken by the Cleveland Division of Police and the City of Cleveland During the Reporting Period.

The activities and milestone events addressed during this reporting period are addressed in the following order:

- A. Community and Problem-Oriented Policing,
- B. Use of Force,
- C. Crisis Intervention,
- D. Officer Training,
- E. Accountability
- F. Equipment and Resources,
- G. Data Collection and Analysis/ Compliance and Outcome Assessments and Reporting
- H. Bias Free Policing, and .

A. Community and Problem-Oriented Policing

1. Community and Problem-Oriented Policing Work Plan

Paragraph 27 of the Consent Decree provides that “CDP will develop and implement a comprehensive and integrated community and problem-oriented policing model.” (Dkt. 7-1, p. 8). The Monitor’s most recent report provides a detailed review of activities taken by CDP to develop a community and problem-oriented policing (“CPOP”) plan that strengthens CDP’s relationship with the community while continuing its mission of keeping the City’s local communities safe. The Monitor commends the CDP for the “commitment to creating a high-quality plan for submission to the public for substantive input.” (Dkt. 214, p. 27).

Development of the final CPOP plan has been a collaborative effort with the

community from its initial stages. The developed CPOP plan was released by CDP for final review and public input in late May. In June the CDP and the City directly engaged with the community to explain the CPOP Plan by way of a series of well-attended meetings held in the various City police districts. These meetings allowed the CDP command staff an opportunity to explain the developed community policing model and to directly exchange ideas with community members. These community meetings were undertaken with the assistance and support of the City's long-standing District Policing Committees ("DPC").

The Community Police Commission ("CPC") is also in the process of reviewing the CPOP plan and obtaining community input to further ensure City residents have been provided ample opportunity to express their feedback. The City anticipates that CPC final review and input on the proposed CPOP plan will be received in September. CDP will evaluate the received community input for any revisions to the CPOP plan before it is finalized.

All CDP personnel will need to be trained on the policy before it becomes effective. It is presently anticipated that the CPOP Plan will become effective and implemented as of January 1, 2019.

2. Cleveland Police Commission

Attorney Richard Knoth was selected to fill a vacant commissioner position in March. Mr. Knoth and Rev. Dr. V. Yvonne Conner were elected by their fellow commissioners to serve as the Commission's Co-Chairs.

The CPC is presently finishing work on gather community input for the City's

CPOP, Staffing, and Recruitment and Hiring Plans. It is anticipated that CPC's recommendations will be received in September.

Four of the five full-time CPC staff members resigned their positions with the Commission during this reporting period. A thorough investigation of complaints brought between CPC staff members was conducted to determine whether there were any violations of the City's Human Relations policies and procedures and/or the City's Civil Service Rules. Following the investigation, the City's Human Resources Department released a report that concluded that there was insufficient evidence to conclude that any of the five CPC staff members had violated City policies.

Discussions regarding staffing requirements and structure at the CPC going forward remain ongoing and will be further addressed in the next reporting period.

B. Use of Force

1. Use of Force

As addressed in the City's prior two status reports, Court approved policies for (1) Use of Force -General, (2) Use of Force-Definitions, (3) De-Escalation (4) Use of Force-Intermediate Weapons, and (5) Use of Force-Reporting last year. These policies became effective for this reporting period following the training of all CDP officers in the second half of 2017.

The Monitor's Fifth Status Report documents that CDP's use of force when compared to use of force in prior years is down, while crime overall and reports of officer injuries also being down in comparison to recent years. (Dkt. 214, pp. 48-51).

2. Investigation and Review

The Consent Decree requires the creation of a Force Investigation Team ("FIT")

under the auspices of CDP's Internal Affairs for the purpose of conducting administrative reviews of all Level 3 uses of force (Dkt. 7-1, defined at ¶ 87(c)), force involving potential criminal conduct, instances where an individual dies while in or as the result of being in CDP custody, and any uses of force assigned to FIT by the Chief. (Dkt. 7-1, ¶ 111).

Policies that will govern supervisory investigations of Level 1 and 2 uses of force (Dkt. 7-1, defined at ¶ 87(a) and (b)), FIT investigations, and a separate policy relating to the creation of the separate Force Review Board ("FRB") have been a major topic of interaction between the City, CDP, DOJ, and the Monitor during this reporting period. The policies are very close to being finalized and it is anticipated that agreed upon policies will be filed with the Court early in the next reporting period.

C. Crisis Intervention Team ("CIT")

The Monitor's Fifth Semiannual report recognizes that "[i]n many ways, the progress that the City has made in the area of crisis intervention is the strongest and most significant of any area of the Consent Decree to date." (Dkt. 214, p. 67). A significant focus during the most recent reporting period has focused on training.

As was addressed in the City's prior status report, all CDP officers received eight hours of initial crisis intervention training during the last reporting period within a dedicated three-day block of instruction that also included sixteen hours of training required by the adopted use of force policies that took effect at the beginning of the year.

The Consent Decree further requires that CDP provide annual in-service training to officers on responding to individuals in crisis. (Dkt. 7-1, ¶ 143). CDP worked in collaboration with the Mental Health Response Advisory Committee ("MHRAC") to develop

a four hour block of training would be dedicated to the Crisis Intervention In-service Training in 2018. The developed training curriculum will provide (1) training on CDP's crisis intervention policy along with new mental health-related programs and (2) instruction that relates to the trauma and stressors that affect officer health and wellness, which can influence an officer's interaction with the public. On July 13 of this reporting period the Monitor filed a motion seeking approval of CDP's in service second year crisis intervention curriculum. (Dkt. 208). On August 20 the Court issued an order approving the in-service training curriculum for the current year. (Dkt. 216).

CDP is continuing to work with MHRAC, the Monitor and DOJ to finalize the 40-hour specialized training to be provided to those officers who volunteer and are accepted into CDP's Specialized CIT Officer program.

D. Officer Training and Recruitment

1. Officer Training

A significant accomplishment during this reporting period has been CDP's successful implementation of its new Learning Management System ("LMS"). While recognizing that much training remains hands-on, LMS will allow some training programs to be completed electronically. LMS went live shortly before the beginning of the current reporting period, with the Court approving the policy on March 23, 2018. (Dkt. 194). LMS also allows the CDP to centrally track and keep records of completed officer training. LMS allows for remote training and ensures centralized management of training accomplished by officers. The LMS allows for the transmission of Divisional Notices and General Police orders to individual officers via LMS which officers will have access to through a dedicated web address.

The finalization of various new CDP policies was a major focus of CDP during the most recent reporting period. These policies are addressed in this report under the specific topic headings. Training to be accomplished in the next reporting period will address a variety of new policies before they can become effective.

2. Recruitment

The Consent Decree requires that CDP “develop a recruitment policy and a strategic recruitment plan that includes clear goals, objectives, and action steps for attracting qualified applicants from a broad cross-section of the community.” (Dkt. 7-1, ¶ 302). The Monitor’s recent report commented most favorably on the quality of the City’s proposed recruiting plan:

DPS [City’s “Department of Public Safety”] started work anew on the Consent Decree requirements related to recruitment and hiring. It collaborated with the Monitoring Team and DOJ for an intensive period in 2017 and into 2018 in an effort to create a recruitment plan that meets the expectations of the Decree. The Monitoring Team was tremendously pleased by the City’s commitment to collaboration and exploration of new approaches in this process.

The City released a proposed final draft Recruitment and Hiring Plan to the public for review, input, comment, and feedback in May 2018. The 60-day period of engagement and input ended on August 10, 2018. The Monitoring Team expects to submit a Final Draft of the Plan to the Court in early September.

(Dkt. 214, p. 124).

In addition to finalizing a formal recruiting plan for all elements of the City’s Department of Public Safety, the Department’s Recruiting Team has continued broad-based and innovative outreach to the community, to include continuing utilization of radio, billboards, and social media, along with direct personal interactions with members of the City’s diverse communities. The goal of the City’s recruiting efforts remains to

attract and hire, on a continuing basis, a diverse number of qualified individuals for public service careers in the Divisions of Police, Fire, and Emergency Services. Sergeant Charmin Leon heads the team. One example of expanding access to the broader community within the recruiting process, the former \$25 fee to take the police examination has been waived going forward.

Following up the examples of interactions previously addressed in the City's Fifth Status Report, recruiting efforts undertaken in the most recent reporting period include:

The recruiting team in partnership with Empowering Youth Exploring Justice (EYOJ) completed filming a video that addresses how young adults and police can improve relationships, while also promoting and recruiting for careers in Public Safety. That video was presented to the Chief of Police and other community leaders on April 30, 2018.

Filming was completed for a Public Safety Recruitment video in July with the post production editing and voice-over work presently being completed. One side benefit of the filming was the direct one-to-one connections made by police officers with the residents in the community during filming. This filming took place right before the first annual City of Cleveland Public Safety Recruitment Fair.

The recruiting team has initiated discussions with Cleveland Clinic's Department of Sports Medicine regarding workout camps for potential recruits. The recruiting team currently works with potential recruits through conditioning camps that it conducts in various City recreation centers, schools, and clubs. The goal of the camps is to help candidates prepare for the physical agility tests that are a part of the Safety forces hiring process. In partnering with the Cleveland Clinic, the camps will expand to include nutrition information and injury prevention.

The recruiting team has conducted informational sessions throughout Cleveland. Recruiters are able to meet with potential candidates to discuss directly the application process, to include testing, preparing Personal History Statements, the physical agility test, and other key factors for success.

The recruiting team worked in conjunction with the Police Foundation to establish the Public Safety Career Pipeline Summer Program during this reporting period. The 6 week program was designed for juniors and seniors and they were joined along with other area high school students interested in public

safety. The program began with 53 students and graduated 50. Twenty four (24) schools from the Eastside, Westside, and suburbs were represented.

The recruiting team has established relationships with varied groups, to include veteran organizations and the Junior Achievement Program. The team conducted workshops with the Junior Achievement program to discuss public safety career options with over 600 students between the ages of 14-18.

Sergeant Leon completed substantive hour-long radio interviews to discuss the ongoing changes being made in the CDP and to emphasize the call for women and minorities to consider applying for positions with the City. Sgt. Leon's interviews included discussions on WKAZ's "Good Day with Olivia" (<https://youtu.be/OHQThKIIqs8>) and WRUR's "It's About Justice" with Meryl Johnson. Additionally Sgt. Leon highlighted the "person behind the badge" in a discussion on 107.9.

The recruiting team was involved in establishing a Reverse Ride Along program to involve recruits directly with the communities they will be patrolling. This activity provides a full day where current police recruits meet and are educated by the residents regarding the community, culture and the need for the CDP and the community to partner with one another.

A more recent effort the recruiting team has begun is called "Beauty, Badges and Barbershop Talks" – where the recruiters visit urban barbershops and salons. The discussions allow for the recruiters to hear local community members share heart to heart their experiences with local safety forces, hear first-hand the desires and concerns of residents for their community and their overall perception of law enforcement. At the end of the discussion (1 ½ hours in length), the recruiting team invites the participants and anyone they know or believe would be a good member of the safety forces to apply, providing information regarding the hiring process and benefits that come along with employment.

The Division of Police has now identified a CDP liaison for the LBGTQ community, Commander Deirdre Jones. This partnership will also assist in developing strategies to expand recruiting efforts in the community.

Recruiting broadcast efforts now include i-Heart Radio (KISS FM- 106.5, WGAR-99.5, Magic 105.7 and WMMS 100.7). This will include on-air commercials, streaming, LIVE interviews with the Mayor, Chief of Police, and safety personnel and digital targeting. i-Heart Radio covers Northeast Ohio and has radio stations in all 50 states.

Continue featuring Guardians of the Land (GOTL) on Radio One stations. Each month, an officer, firefighter, and EMS worker is chosen by the community, a

supervisor or picked after receiving an accolade from a community member, as a GOTL. This segment highlights the positive actions of members of the City's public safety forces, both on the job and in the community. By airing their works via radio, social media, streaming, and banner ads, we hope to highlight the *service* aspect of the job to better recruit applicants with a likeminded approach. Such efforts are instructive in reinforcing the positive relations between the safety forces and the community.

Working in a cooperative manner with the Monitor Team and the DOJ, the City anticipates the finalization, filing, and approval of its new formal recruitment policy for the Department of Public Safety in the early part of the next six-month reporting period.

3. Hiring

As was reported in the City's Fifth Status Report, the City announced a goal of hiring 250 new officers into the CDP's ranks in 2018. To meet this goal CDP will have five recruit classes in training this calendar year.

Police Academy Class No. 138 graduated 43 new officers in March. Class No. 140¹ recently graduated 49 new officers on August 24. Two classes began training in this reporting period: Class No. 141 includes 43 recruits, with Class No. 142 having 47 recruits in training. Both classes are scheduled to graduate in early 2019. The City is scheduled to start two additional CDP recruit classes in the next six month reporting period.

E. Accountability

Paragraph 196 of the Consent Decree requires that allegations of police misconduct be "fully, fairly and efficiently investigated", irrespective of whether the allegations are internally discovered or brought by a civilian. (Dkt. 7-1, ¶ 196).

1. Internal Affairs

¹ Class 139 involved the training of three lateral transfers into the CDP.

Retired Federal Prosecutor Ronald Bakeman was hired as the civilian Superintendent of Internal Affairs in February of this reporting period. As noted in the Monitor's Fifth Semiannual Report, since his hiring:

Mr. Bakeman immediately began working with the Parties and the Monitoring Team on finalizing long-awaited documents such as the revised IA Manual, the FIT manual, and other IA-related policies. Mr. Bakeman has also begun work on improving the working relationship between IA and the Office of Professional Standards

(Dkt. 214, p. 78). The ongoing attempts to finalize the new policy manual for Internal Affairs and the new FIT manual (See Sec. B.2. above) has been a significant subject of ongoing attention and collaborative work during this reporting period. Much has been accomplished and the City anticipates being in a position to finalize both manuals early in the next reporting period.

2. Office of Professional Standards²

The goal established by the City and OPS for 2018 was to have OPS remain timely in completing the investigation of complaints received on and after December 1, 2017, while simultaneously working with an identified outside investigative contractor, Hillard-Heintz, to eliminate the identified backlog of unfinished OPS investigations associated with public complaints received in 2015, 2016, and 2017.

a. Administrative Staff

Mr. Roger Smith was appointed as the new OPS Administrator during this reporting period following a nationwide search. Mr. Smith previously served as Executive

² A separate "Status Report to the Court Re: Office of Professional Standards" was filed with the Court on August 15, 2018. (See Dkt. 215).

Agency Counsel for the New York City Civilian Complaint Review Board (“CCRB”) for more than eight years, where he also served as the Director of Training.

Mr. Henry Roney was hired to fill the new Senior Investigator position during the reporting period. Mr. Roney reports to the OPS Administrator and supervises the work of the OPS case investigators. Mr. Roney’s background includes 25 years as a Special Agent with the Naval Criminal Investigative Service (NCIS) where he retired as the Inspector General.

The new Community Engagement Coordinator position is in the final stages of being filled. The individual appointed to the position will work with the community to keep the community informed on OPS matters.

b. Current OPS Investigations

The OPS has a staff of eight permanent investigators and two temporary investigators who are working on current complaints received by OPS. Investigations conducted over the last six months have included the completion of more interviews than previously accomplished. As CDP’s use of its Wearable Camera System (“WCS”) has become prevalent, OPS investigator efforts to secure relevant videos are occurring at earlier points in OPS investigations. Investigative efforts to ensure (1) that all material witnesses are interviewed in each case and (2) that available evidence is systematically obtained, has been a major administrative focus of OPS during this reporting period.

Progress in improving the evaluation of evidence and the communication of investigative findings through the use of neutral language in OPS reports has been addressed during this reporting period with the aid of training, practice and interactive supervision. For three of the past six months, OPS investigators have had the assistance

of Mr. Roney, an experienced Supervising Investigator, whose role includes the elimination of investigative actions and investigative report content that might suggest preference. Additionally, Mr. Smith, as the new Administrator, has used his experience to initiate staff discussions and one-on-one meetings with investigators to introduce a new investigative report format that has been designed to eliminate needlessly expansive reports. Efforts at improving the quality of investigative reports will continue to be regular and consistent. To improve interviewing practices, weekly staff discussions and drills have also been introduced.

The forwarding of completed investigative files to the PRB has been ably handled by the CPRB's secretary at the OPS office. As required, investigative files are sent out approximately 10 days before the upcoming PRB meeting. Where investigations are completed less than 10 days before the upcoming meeting, they are sent 10 days before the following month's meeting. Much progress has been made to ensure such calendar is met and the City disagrees with the assessment of "Non-Compliance" in this area.

As of early OPS had received 151 new complaints during the period beginning December 1, 2017 through August 22, 2018. Sixty-two (62) cases remain open, while 89 cases have been completed. A breakdown of the 89 completed cases provides: 58 cases completed as the result of full investigations, 19 cases administratively dismissed, and 12 cases administratively closed. Of the 62 open cases, 52 complaints are being actively investigated, 6 cases are in the process of transfer/ referral to the investigators, and the 4 most recent cases are awaiting initial assignment.

c. Backlog Investigation Plan

The Chicago based investigation firm Hillard-Heintze, LLC was selected to

complete the backlog of open OPS complaint investigations for the years 2015, 2016, 2017. The initial phase of Hillard Heintze's work involved a comprehensive preliminary review and assessment of the 282 identified backlogged investigations. The 282 cases were divided among four categories: (1) Intake Only — 17 cases with files reflecting minimal work completed beyond intake (2) Data Collection — 55 cases with files reflecting completed intake materials and some work reflecting necessary data and materials collected, (3) Partial Investigation — 144 cases with files reflecting basic facts concerning allegation are validated in file, with investigatory follow-up concerning some officers and complainants documented; (4) Mostly Completed — 66 cases with files reflecting investigations largely completed.

Based on its initial review, Hillard Heintze concluded that for a majority of the cases the investigations were viewed as being in early stages of development. The company will evaluate the evidence available in each case to determine the effective and efficient use of resources going forward that will be needed to finalize work on each backlogged case. As a determination is made as to what is needed to complete a case, it is anticipated that work on finalizing cases will begin on a rolling basis.

3. Civilian Police Review Board

Civilian Police Review Board ("PRB") members have continued to receive training during this reporting period to assist in their role of reviewing the completed OPS investigations of citizen complaints against members of CDP.

As the number and quality of completed OPS investigations has increased during this period, the number of cases heard by the PRB and the recommendations made by the

Board has increased. The PRB has heard 163 cases in the first eight months of 2018. By comparison the PRB heard 183 cases in the full year of 2017.

F. Equipment and Resources

The Consent Decree requires “an effective, comprehensive Equipment and Resource Plan that is consistent with its [CDP’s] mission and that will allow it to satisfy the requirements of this Agreement.” (Dkt. 7-1, Section 292). The Monitor’s Fifth Status Report notes that “[t]he Division has made notable strides in implementing the equipment, technology, and data systems necessary for contemporary law enforcement.” (Dkt. 214, at p. 121). The City has continued through this reporting period to work with the Monitor in finalizing the required “Equipment and Resources Plan.” As noted by the Monitor it is presently anticipated that the Plan will be submitted to the Court for approval on September 8, 2018. (Dkt. 214, p. 122).

Significant equipment related areas addressed during this reporting period include:

CDP’s Vehicle Car Plan provides for the scheduled purchase of 65 new vehicles each year for the next five years. CDP ordered 63 new capital Police vehicles, including 45 marked zone cars in this reporting period. All 45 marked cars were ordered with the Technology package that will allow for computer aided dispatch (“CAD”) and field based reporting (FBR).

Silent dispatching upgrade of CAD went live in the first quarter of 2018. During the current reporting period CDP has been actively involved in upgrading the CAD system with rollout of the improved CAD system implemented in the five Districts during the June-August period. The upgrade will enhance CDP’s call taking and dispatching abilities.

CDP has been moving forward with a MDT refresh cycle. The Division has identified 75 older MDTs for replacement. The refresh cycle will ensure that the Division has appropriate MDTs in the vehicle to run applications and software as they are upgraded.

The City replaced 159 PC's throughout the Division in 2017. During the current reporting period the City has identified an additional 219 computers to be replaced throughout the Division in 2018.

The Field Based Reporting (FBR) project was initiated in November 2016. Prior to FBR all Division of Police Reports were completed on paper and faxed/scanned to Record File Section to be subsequently entered into CDP's Law Enforcement Records Management System ("LERMS"). FBR allows for data and reports to be entered directly into the system without the intervening need for transcription of handwritten reports as Officers can now complete their reports directly into LERMS using their in-car computers. FBR went live in September 2017 and all Basic Patrol Officers and Supervisors have been trained on FBR. Since September 2017 more than 45,745 reports have been entered via FBR. The ability for officers to input their reports directly into LERMS has eliminated a report backlog that was at one time up to 8,000 reports

CDP and the City's Information Technology ("IT") specialists are currently evaluating a LERMS upgrade that is expected to take place in the 4th quarter of 2018.

G. Data Collection and Analysis/ Compliance and Outcome Assessments and Reporting

During the past six months, the Cleveland Division of Police (CDP) has made numerous advancements in the area of data collection and analysis. First, the End of Year 2017 Use of Force Report was approved by the Monitoring Team and the Department of Justice and is now available on the City of Cleveland website. Second, the monthly COMPSTAT meetings which began in October 2017 and are held with the Monitoring Team and the Department of Justice have expanded beyond Use of Force. COMPSTAT meetings now also include statistics for the Early Officer Intervention Program, Officer Injury and Internal Affairs.

The data team is working closely with CDP officials to not only use but also apply the data being collected by officers. Over the last few months, there have been several meetings to develop district data briefs, which are going through several iterations before

the content and format are finalized. Third, CDP held five meetings across the city to gain community feedback across the Community and Problem Oriented Policing (CPOP), Recruitment and Staffing plans. The data team developed the survey which was disseminated to attendees and was also posted online for those unable to attend. Additionally, CDP is collecting officer feedback on the three plans. Currently, the data team is analyzing the survey results and will be finalizing its report shortly.

The data team is looking forward to the improved data instruments in the areas of CIT, CPOP and investigatory stops. As the Division of Police continues to expand its data collection systems, the data team continues collaborating with staff members to improve the use and quality of the data.

H. Bias Free Policing

On February 2, 2018 the Monitor filed a motion recommending the Court approve the CDP's newly developed bias-free policy after a determination by the Monitor that the policy "provides sufficiently clear guidelines around, among other things: (1) the Division's expectations for its members around bias-free policing; (2) the principles of procedural justice in police-civilian interactions; and (3) protocols to report bias-based policing." (Dkt. 186, p. 1). On March 23 of this reporting period the Court entered an order approving the policy. (Dkt. 194).

Training of CDP officers on new policies is required before the policy becomes effective. Work on the bias free training curriculum began in late 2017 and continued into this reporting period. After working with outside training agencies and in collaboration with the DOJ and Monitoring Team, CDP submitted final drafts of two

training curricula that addressed mutually supportive policies addressing “Community Engagement and Problem-Solving” and “Bias Free Policing,” which together incorporate 20 hours of training. On July 13 the Monitor filed a motion seeking the Court’s approval of both policies. (Dkt. 207).³ On August 20 the Court issued an order approving both training curricula. (Dkt. 216).

III. Assessment of the Status of Cleveland Division of Police’s Progress

The City has continued to make significant and sustainable progress toward meeting the reforms agreed to in the Consent Decree. The Monitor’s Fifth Semiannual Report and Comprehensive Re-Assessment recognizes among its findings :

[T]he City of Cleveland and its Division of Police have come a long way under the Consent Decree in its initial years. A number of important milestones have been reached, strong policies and training implemented, and major new approaches and systems designed. The Monitoring Team commends the City and CDP for their hard work and focus in getting the Division to where it is today.

Significant work undoubtedly remains. The Monitoring Team is optimistic that, with the continued hard work and focus of all stakeholders, the upcoming reporting period will see many important policies finalized, training programs completed, and major reforms implemented – accelerating the rate of progress toward Substantial and Effective Compliance with the Decree.

(Dkt. 214, p. 4). The City believes that following the approved Third Year Monitoring Plan will provide for continuing the meaningful progress accomplished by the City and CDP to date.

IV. Response to Concerns Raised in the Monitor’s Semi-Annual Report

While recognizing improvement and accomplishment, the Monitor continues to express concerns about the performance of OPS. The City continues ongoing efforts to

³ The Monitor’s motion provides a cogent overview of the topics and nature of the

improve OPS performance, primarily concerning the quality and timeliness of OPS investigative reports. The long-standing and relevant administrative experience and skills of the new Administrator and the Senior Investigator have brought a measure of confidence that these long-standing concerns are being addressed in a consistent and professional manner. The City anticipates that continued progress and improvement will be documented in the next semi-annual reporting period.

V. Conclusion

The City and CDP have continued to make recognizable and documented progress in meeting the reforms that were agreed to in the Consent Decree. The City will continue to work to ensure remaining goals are timely achieved.

Respectfully submitted,

Barbara A. Langhenry (0038838)
Director of Law

By: /s/ Gary S. Singletary
Gary S. Singletary (0037329)
Chief Counsel, City of Cleveland
601 Lakeside Avenue, Room 106
Cleveland, Ohio 44114-1077
Tel: (216) 664-2737 Fax:(216) 664-2663
E-mail: gsingletary@city.cleveland.oh.us

Counsel for the City of Cleveland

training to be provided the officers.

CERTIFICATE OF SERVICE

The undersigned certifies that the City of Cleveland's Sixth Status Report was filed electronically on August 31, 2018. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Pursuant to the requirements of the Consent Decree the Monitor has been electronically delivered a copy of this filing.

/s/ Gary S. Singletary
Gary S. Singletary (0037329)
Counsel for the City of Cleveland