

The logo for Hogan Lovells, featuring the firm's name in a black serif font inside a solid lime green square.

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# 15<sup>th</sup> Semiannual Report

Written by:  
The Independent Monitoring Team

September 2024

## The Independent Monitoring Team



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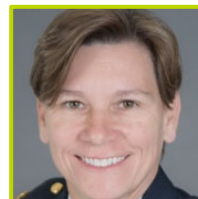
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## I. Letter from the Monitor

In the *Letter from the Monitor* that accompanied the 14<sup>th</sup> Semiannual report, I highlighted the significant delays caused by the City's failure to provide the Department of Justice ("DOJ") and the Monitoring Team with full access to documents, databases, and other materials required under the Consent Decree. That Letter also expressed concerns about the pace and fulsomeness with which the City was providing the Community Police Commission ("CPC") and Office of Professional Standards ("OPS") with access to documents, body worn camera footage, and other materials. Finally, the Letter pointedly criticized the City for not making sufficient progress and highlighted that the reporting period saw no upgrades and one downgrade in the area of Accountability.

I am pleased to report that during this reporting period (January 1, 2024 – June 30, 2024), the DOJ and the Monitoring Team have regained access to the relevant databases and that the City is producing the materials that the CPC and OPS need to fulfill their important checks and balances and oversight functions. Further, the City has nearly eliminated all of the backlog that existed relative to CPC and OPS document requests. This significant shift in the City's cooperation is the result of DOJ's increasing willingness to seek the Court's assistance in enforcing the Consent Decree, as well as the Court's active engagement in regularly scheduled status conferences, wherein the Court has interceded and resolved disputes that delay progress. The City too deserves credit for beginning to move away from unnecessary legal squabbling so it can focus its attention on fulfilling the hard work required by the Consent Decree.

In terms of the City's performance, this reporting period saw no downgrades and several upgrades. I would also note that the City devoted time, energy, and resources to better understanding the principles of Community and Problem-Oriented Policing ("CPOP"). The City's concerted effort to putting CPOP back on track is commendable.

Finally, another notable development is that the Police Accountability Team ("PAT") now has a total of four (4) team members to facilitate compliance with and implementation of the Consent Decree. The creation of PAT is a requirement of ¶ 385 of the Consent Decree and a critical component of ensuring progress.

For the calendar year 2024, the Parties and the Monitoring Team established three (3) priorities:

1. Search and seizure
2. Crisis intervention
3. Use of force

In establishing these priorities for 2024, our goal was to move the City towards undergoing formal assessments. Formal assessments are an important mechanism by which the Monitoring Team can assess compliance with the Consent Decree utilizing data and evidence to back it up. Following a formal assessment, the Monitoring Team will be able to determine whether the City has reached full compliance in the relevant areas or not. In the event that the City has not reached compliance, the assessment will tell us why and what needs to be done differently.



During the reporting period, crisis intervention and use of force assessments commenced and search and seizure data was provided by the City. The Monitoring Team will begin its search and seizure assessment in the next reporting period (July 1 – December 31).

As we look ahead to 2025, consistent with our strategy in 2024, we will be establishing additional priorities in coordination with the Parties so that we can assess other areas of the Consent Decree. This rigorous and aggressive assessment strategy that I am embarking on with my team is designed to help us understand exactly what has occurred over the lifespan of this Consent Decree so that we know what is working well and what needs to be fixed. There are a total of 10 areas of the Consent Decree that need to be assessed. Some areas of the Consent Decree, such as use of force, have more than one assessment.

I look forward to continued collaboration and focus in the months that remain of 2024.

Sincerely,

A handwritten signature in black ink, appearing to be 'Karl Racine'.

Karl Racine

## II. Understanding this Report

Since the 3<sup>rd</sup> Semiannual Report, the Monitoring Team has used its Semiannual Reports to present a summary of the status of the City's compliance with each of the 340 paragraphs of the Consent Decree. Although providing "a paragraph-by-paragraph accounting of the general state of the City's compliance runs the risk of being an oversimplification," these summary representations remain useful indicators for viewing progress over time.<sup>1</sup>

Therefore, each section of the 15<sup>th</sup> Semiannual Report summarizes the Monitoring Team's general conclusions about compliance status by describing the state of each paragraph listed as one of the following:

- **Non-Compliance:** The City and/or Cleveland Division of Police ("CDP") has not yet complied with the relevant provision of the Consent Decree. This includes instances in which the City or CDP's work or efforts have begun but cannot yet be certified by the Monitoring Team as compliant with a material component of the requirement.
- **Partial Compliance:** The City and/or CDP has made sufficient initial strides or sufficient partial progress toward a material number of key components of the provision of the Consent Decree—but has not achieved "Operational Compliance." This includes instances where policies, processes, protocols, trainings, systems, or the like exist on paper but do not exist or function in day-to-day practice. It may capture a wide range of compliance states or performance, from the City or CDP having taken only very limited steps toward operational compliance to being nearly in operational compliance.
- **Operational Compliance:** The City and/or CDP has made notable progress to technically comply with the requirement and/or policy, process, procedure, protocol, training, system, or other mechanism of the Consent Decree such that it is in existence or practice operationally—but has not yet demonstrated, or has not yet been able to demonstrate, meaningful adherence to or effective implementation, including across time, cases, and/or incidents. This includes instances where a given reform is functioning but has not yet been shown, or an insufficient span of time or volume of incidents have transpired, to be effectively implemented in a systemic manner.
- **General Compliance:** The City and/or CDP has complied fully with the requirement and the requirement has been demonstrated to be meaningfully adhered to and/or effectively implemented across time, cases, and/or incidents. This includes instances where it can be shown that the City or CDP has effectively complied with a requirement fully and systemically.

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<sup>1</sup> 3<sup>rd</sup> Semiannual Report at 9.



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The same caveats that have previously applied to these summary categories remain applicable and are thus repeated here verbatim. First, “Non-Compliance” or “Partial Compliance” do not automatically mean that the City or CDP has not made good-faith efforts or commendable strides toward compliance. It might, instead, signify that initial work has either not yet begun or reached a sufficiently critical point where progress can be considered to have been made.

Second, “Partial Compliance” requires more than taking some limited, initial steps toward compliance with a requirement. It instead requires that the City or CDP have made “sufficient, material progress toward compliance” that “has graduated from the stages of initial work to more well-developed and advanced refinement of various reforms.”<sup>2</sup>

Third, these summary terms do not appear in the Consent Decree. The Monitoring Team employs them in order to synthesize and summarize the report’s conclusions. Relatedly, compliance with individual paragraphs of the Consent Decree is necessary for the larger, overall “Substantial and Effective Compliance” with the whole of the Consent Decree, but it is not the same thing. Ultimately, “Substantial and Effective Compliance” with the Consent Decree will be reached when “the City either has complied with *all* material requirements of this Agreement or has achieved sustained and continuing improvement in constitutional policing, as demonstrated pursuant to this Agreement’s outcome measures,”<sup>3</sup> “by a preponderance of the evidence.”<sup>4</sup>

Fourth, the charts within the appendix that summarize progress in each area also condense the requirements of each paragraph rather than reprinting the entire Consent Decree in the context of this report. Any imprecision or confusion created by these condensed or summarized requirements is unintended and, in any event, can be cured with reference to the original language of the Consent Decree itself.<sup>5</sup> Furthermore, the appendix charts primarily cover paragraphs 14 through 340 of the Consent Decree, but other paragraphs also contain requirements that the City must meet.<sup>6</sup>

Overall “compliance status” conclusions displayed in tables within the executive summary and the appendix herein do not replace the more rigorous and comprehensive quantitative and qualitative assessments of how CDP performs over time:

*[T]he Monitoring Team bases its assessments on its current understandings, knowledge, and information gained through ongoing work and discussion with CDP, the Parties, and other stakeholders. The assessments are informal to the extent that not all of them are necessarily informed by the type of exhaustive compliance and outcome measurements that are a critical component of the Consent Decree—and the summary determinations do not take the place of these more structured, systemic analyses. The intent is to provide a bottom-line sense of where CDP is on the road to compliance. Ongoing, rigorous quantitative*

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<sup>2</sup> 3<sup>rd</sup> Semiannual Report at 10.

<sup>3</sup> Dkt. 413-1 ¶ 456 (emphasis added).

<sup>4</sup> *Id.* at ¶ 397.

<sup>5</sup> *See Id.*

<sup>6</sup> *See* 3<sup>rd</sup> Semiannual Report at 10.





*and qualitative assessments will provide a more comprehensive picture as work under the Consent Decree proceeds.<sup>7</sup>*

The descriptions of progress contained below should be considered as a synthesis or bottom-line reporting of substantive discussions from each major Consent Decree area contained within this report.

An additional method for capturing progress is the creation, utilization, and accountability to the Monitoring Plan, described in ¶ 369, which outlines the work to be done by the Parties within the year.

As is evidenced by the extensive and broad-reaching Consent Decree itself, the City of Cleveland's implementation of the Consent Decree and the many action items and projects it encompasses, is a substantial task. Many areas of the Consent Decree require multiple reporting periods for the City to achieve—and for the Monitoring Team to confirm and consequently report on—these major milestones. Therefore, at times this Semiannual Report, as with previous Semiannual Reports, reprints content from prior Semiannual Reports in instances where there has not been enough material progress to warrant an update. In such cases, the Monitoring Team is not citing to prior Semiannual Reports in the interest of readability.

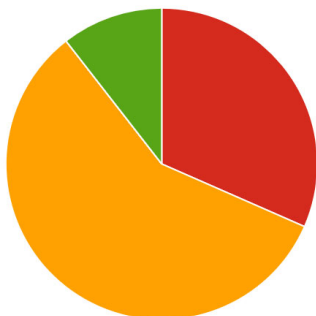
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<sup>7</sup> *Id.* at 11.

### III. Executive Summary

#### Community Engagement and Building Trust

Visual Representation of  
Compliance for:  
**Community Engagement**



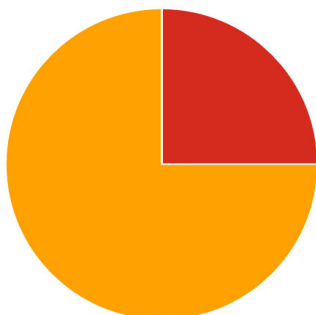
CDP remains committed to its outreach efforts to build lasting, trusting relationships with the Cleveland community. The 13 member CPC continues to hold monthly public meetings and ongoing working group meetings consistent with its obligations. District Policing Committees (“DPCs”) continue conducting outreach efforts and holding meetings on a monthly basis. The last reporting period was significantly focused on fulfilling CPC’s requests for documents. Because of engagement by the Court and concerted collaboration between the Parties, CPC’s outstanding document requests have been almost entirely eliminated. The Monitoring Team would urge the City to keep this item as a priority in the months ahead.

Non-Compliance	Partial Compliance	Operational Compliance	General Compliance
¶ 17a, ¶ 17c, ¶ 18b, ¶ 20, ¶ 21, ¶ 24	¶ 14, ¶ 16, ¶ 17b, ¶ 18a, ¶ 17d, ¶ 18a, ¶ 18c, ¶ 19, ¶ 23, ¶ 25, ¶ 26		¶ 15, ¶ 22

\*\*\* Paragraphs 17b, 18a, and 19 have been upgraded since the 14<sup>th</sup> Semiannual Report.

## Community and Problem-Oriented Policing

Visual Representation of  
Compliance for:  
**Community and Problem-  
Oriented Policing**



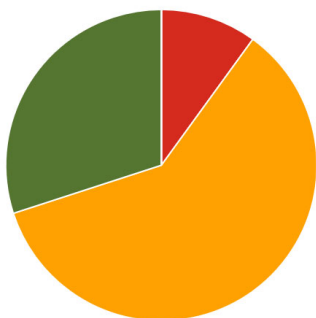
After a downgrade in the prior reporting period due to an ineffective training program, CDP has demonstrated meaningful shifts in its Community and Problem-Oriented Policing (“CPOP”) efforts.<sup>8</sup> In addition to receiving technical assistance, CDP appointed Captain Maffo-Judd to oversee the City’s CPOP strategy and programming. Captain Maffo-Judd is highly enthusiastic, engaged, and has expressed a passion and a vision to implement this important aspect of the Consent Decree. We look forward to Captain Maffo-Judd’s impact on CPOP, which requires a major shift in organizational culture.

Non-Compliance	Partial Compliance	Operational Compliance	General Compliance
¶ 30, ¶ 34	¶ 27, ¶ 28, ¶ 29, ¶ 31, ¶ 32, ¶ 33		

\*\*\* No changes recommended since the 14<sup>th</sup> Semiannual Report.

## Bias-Free Policing

Visual Representation of  
Compliance for:  
**Bias-Free Policing**



The Consent Decree requires that bias-free policing principles be integrated into CDP’s policies, procedures, job descriptions, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems. While the Monitoring Team applauds prior strides taken to integrate bias-free policing principles into CDP’s policies and training, the Monitoring Team requires more evidence to prove broad integration of bias-free principles into CDP’s operations. Further, the Monitoring Team has preliminary concerns with certain data provided by the City to demonstrate bias-free policing in-practice.

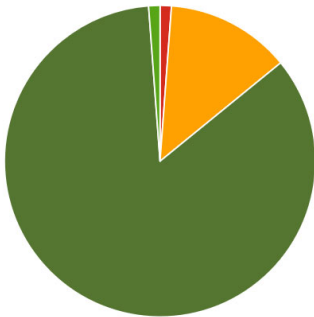
<sup>8</sup> See 13<sup>th</sup> Semiannual Report at 9.

Non-Compliance	Partial Compliance	Operational Compliance	General Compliance
¶ 43	¶ 35, ¶ 36, ¶ 37, ¶ 41 ¶ 42, ¶ 44	¶ 38, ¶ 39, ¶ 40	

\*\*\* No changes recommended since the 14<sup>th</sup> Semiannual Report.

## Use of Force

Visual Representation of  
Compliance for:  
Use of Force



After a period without access to data systems necessary for the review of use of force cases, the Monitoring Team regained access and was provided new laptops by the City in April 2024. With the restoration of access, the rolling use of force assessment of level one (1) and level two (2) cases began. On a routine basis, the Monitoring Team has provided the City feedback based upon these formal assessments. There is a similar, ongoing assessment of the Force Review Board ("FRB"). Many use of force related paragraphs remain in "Partial Compliance" this reporting period. Warranted upgrades in compliance scores, on use of force in particular, occur only after a formal assessment where Monitoring Team members review files and documents in depth to ensure the activities of CDP are aligned with the language of the policies.

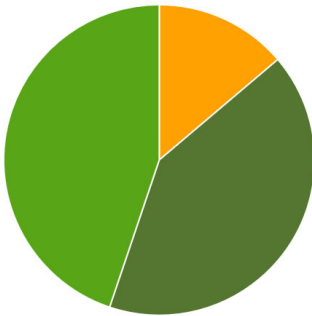
Non-Compliance	Partial Compliance	Operational Compliance	General Compliance
¶ 122	¶ 46, ¶ 47, ¶ 111, ¶ 116, ¶ 118, ¶ 120, ¶ 121, ¶ 125, ¶ 126, ¶ 128, ¶ 129	¶ 45, ¶ 48, ¶ 49, ¶ 50, ¶ 51, ¶ 52, ¶ 53, ¶ 54, ¶ 55, ¶ 56, ¶ 57, ¶ 58, ¶ 59, ¶ 60, ¶ 61, ¶ 62, ¶ 63, ¶ 64, ¶ 65, ¶ 66, ¶ 67, ¶ 68, ¶ 69, ¶ 70, ¶ 71, ¶ 72, ¶ 73, ¶ 74, ¶ 75, ¶ 76, ¶ 77, ¶ 78, ¶ 79, ¶ 80, ¶ 81, ¶ 82, ¶ 83, ¶ 84, ¶ 85, ¶ 86, ¶ 88, ¶ 89, ¶ 90, ¶ 91, ¶ 92, ¶ 93, ¶ 94, ¶ 95,	¶ 87

Non-Compliance	Partial Compliance	Operational Compliance	General Compliance
		¶ 96, ¶ 97, ¶ 98, ¶ 99, ¶ 100, ¶ 101, ¶ 102, ¶ 103, ¶ 104, ¶ 105, ¶ 106, ¶ 107, ¶ 108, ¶ 109, ¶ 110, ¶ 112, ¶ 113, ¶ 114, ¶ 115, ¶ 117, ¶ 123, ¶ 124, ¶ 127, ¶ 130	

\*\*\* No changes recommended since the 14<sup>th</sup> Semiannual Report.

### Crisis Intervention

Visual Representation of  
Compliance for:  
**Crisis Intervention**



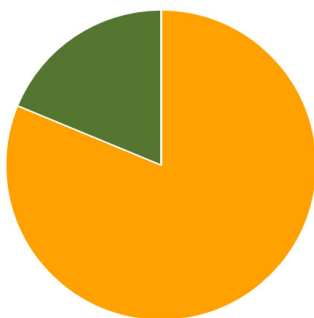
Stakeholders from the community, City government, DOJ, and the Monitoring Team have continued to collaborate through monthly crisis intervention working group meetings led by CDP's Crisis Intervention Coordinator. The compliance assessment in the area of crisis intervention is underway, with thanks to the Police Accountability Team ("PAT") and CDP who promptly provided assessment data to the Monitoring Team upon request. During the reporting period, PAT and the Health Department worked to create a system of review of police training and curricula development. The City and CDP have worked to show the community that progress is being made, and recently, the City developed a well-organized Crisis Intervention Dashboard. CDP has also developed a detailed strategy for maintaining a Crisis Intervention Training ("CIT") program through its Specialized Crisis Intervention Plan, required by ¶ 152 of the Consent Decree. As a result of this work, the Monitoring Team has upgraded compliance with this paragraph from Partial Compliance to Operational Compliance.

Non-Compliance	Partial Compliance	Operational Compliance	General Compliance
	¶ 135, ¶ 141, ¶ 151, ¶ 156,	¶ 131, ¶ 140, ¶ 142, ¶ 145, ¶ 147, ¶ 148, ¶ 149, ¶ 150, ¶ 152 ¶ 157, ¶ 158, ¶ 159	¶ 132, ¶ 133, ¶ 134, ¶ 136, ¶ 137, ¶ 138, ¶ 139, ¶ 143, ¶ 144, ¶ 146, ¶ 153, ¶ 154, ¶ 155

\*\*\* Paragraph 152 has been upgraded since the 14<sup>th</sup> Semiannual Report.

## Search and Seizure

Visual Representation of  
Compliance for:  
**Search and Seizure**



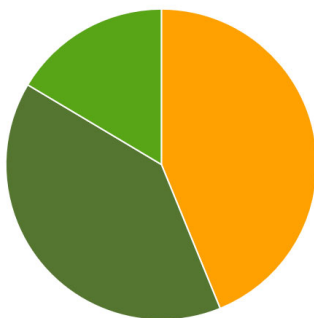
Following a period of stagnation in search and seizure activities highlighted in the 14<sup>th</sup> Semiannual Report, progress has resumed in this area. Key developments include the restoration of the Monitoring Team and DOJ's access to essential data systems and documents, the submission of CDP's 2022 Stops Data Report, and the provision of necessary 2023 Stops Data-related information necessary for the Monitoring Team to conduct its formal search and seizure assessment. These advancements position the work to proceed, with the search and seizure assessment scheduled to commence in the next reporting period.

Non-Compliance	Partial Compliance	Operational Compliance	General Compliance
	¶ 160, ¶ 161, ¶ 162, ¶ 163, ¶ 164, ¶ 165, ¶ 166, ¶ 167, ¶ 168, ¶ 169, ¶ 170, ¶ 171, ¶ 172	¶ 173, ¶ 174, ¶ 175	

\*\*\* No changes recommended since the 14<sup>th</sup> Semiannual Report.

## Accountability

Visual Representation of  
Compliance for:  
**Accountability**



Internal Affairs ("IA") continues to diligently improve upon practices as they work towards compliance goals. The continued hands-on leadership is having a positive impact on achieving Consent Decree compliance. The finalization and implementation of the IA Manual has assisted with moving the City closer to compliance. The IA team is to be commended for expediting the completion of the IA Manual and working with the DOJ and the Monitoring Team to ensure updates are in line with the Consent Decree. The Administrator of Office Professional Standard ("OPS") and the Chair of the Civilian Police Review Board ("CPRB") have a collaborative working relationship, resulting in a far more seamless process for cases flowing from OPS to the CPRB. Both have worked very hard to significantly lower

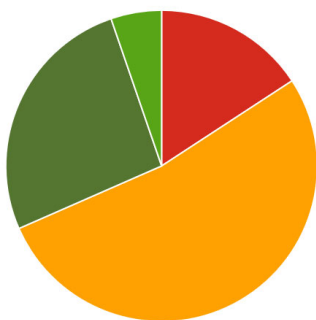
backlog, and the goal within OPS is to operate with no backlog by the end of 2024.

Non-Compliance	Partial Compliance	Operational Compliance	General Compliance
	¶ 176, ¶ 177, ¶ 179, ¶ 180, ¶ 181, ¶ 182, ¶ 183, ¶ 184, ¶ 185, ¶ 186, ¶ 187, ¶ 188, ¶ 192, ¶ 194 ¶ 200, ¶ 201, ¶ 204, ¶ 214, ¶ 215, ¶ 218, ¶ 219, ¶ 222, ¶ 223, ¶ 226, ¶ 227, ¶ 233, ¶ 234, ¶ 237, ¶ 239, ¶ 241, ¶ 245, ¶ 249	¶ 178, ¶ 189, ¶ 190, ¶ 191, ¶ 193, ¶ 195, ¶ 196, ¶ 198, ¶ 203, ¶ 205, ¶ 206, ¶ 208, ¶ 209, ¶ 210, ¶ 211, ¶ 212, ¶ 213, ¶ 216, ¶ 217, ¶ 220, ¶ 224, ¶ 228, ¶ 229, ¶ 232, ¶ 238, ¶ 242, ¶ 243, ¶ 246, ¶ 248	¶ 197, ¶ 199, ¶ 202, ¶ 207, ¶ 221, ¶ 225, ¶ 230, ¶ 231, ¶ 235, ¶ 236, ¶ 240, ¶ 247

\*\*\* Paragraph 194 has been upgraded since the 14<sup>th</sup> Semiannual Report.

## Transparency and Oversight

Visual Representation of  
Compliance for:  
**Transparency and  
Oversight**



With the rewriting and posting of the Public Safety Inspector General position, the City has made progress in the Consent Decree's Transparency and Oversight paragraphs. The Open Data Portal on the City's website is hosting CDP crime data in ways that will be useful to the public and researchers. It is visually appealing and provides a variety of means to view the data.

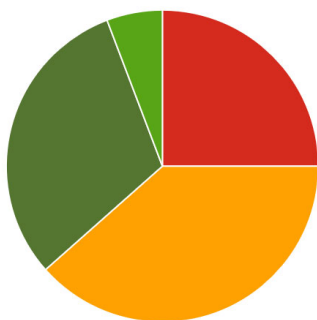
Non-Compliance	Partial Compliance	Operational Compliance	General Compliance
¶ 250 ,¶ 256, ¶ 265	¶ 251, ¶ 252, ¶ 253, ¶ 254, ¶ 255, ¶ 261, ¶ 264, ¶ 266, ¶ 267, ¶ 268	¶ 257, ¶ 258, ¶ 260, ¶ 262, ¶ 263	¶ 259



\*\*\* Paragraphs 251, 252, 253, 254, and 255 have been upgraded since the 14<sup>th</sup> Semiannual Report.

## Officer Assistance and Support

Visual Representation of  
Compliance for:  
**Officer Assistance and  
Support**



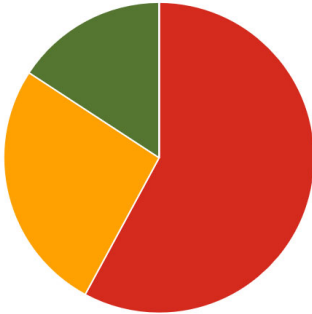
The Training Section has made significant progress in developing and updating multi-year training plans, but needs the full support and compliance of all other CDP units. Presently, some specialty units continue to create and field their training without the required oversight and partnership of the Training Section. CDP is appropriately outfitted with operational and modern technology. The Monitoring Team recognizes and appreciates the ongoing budgetary support from the City Council for the necessary and extraordinary expenses related to IT maintenance, updates, and personnel support. Collectively, these are critical requirements for an effective safety agency in the 21<sup>st</sup> century. The professionals in the Recruitment Office are working creatively to manage the challenging issue of police recruitment and retention—an issue that is impacting not just Cleveland, but police departments nationally. This issue deserves a renewed focus from the highest levels of City government. There has been no reported progress on either Employee Assistance or Performance Systems, both of which are important ways to demonstrate care, appreciation, and concern for employees.

Non-Compliance	Partial Compliance	Operational Compliance	General Compliance
¶ 282, ¶ 283, ¶ 284, ¶ 285, ¶ 286, ¶ 287, ¶ 312, ¶ 313, ¶ 314, ¶ 315, ¶ 316, ¶ 317, ¶ 318	¶ 269, ¶ 271, ¶ 275, ¶ 276, ¶ 277, ¶ 279, ¶ 280, ¶ 281, ¶ 288, ¶ 290, ¶ 291, ¶ 294, ¶ 299, ¶ 304, ¶ 305, ¶ 306, ¶ 309, ¶ 311, ¶ 320, ¶ 321	¶ 270, ¶ 272, ¶ 273, ¶ 274, ¶ 289, ¶ 293, ¶ 295, ¶ 296, ¶ 297, ¶ 298, ¶ 300, ¶ 302, ¶ 303, ¶ 307, ¶ 310, ¶ 319	¶ 292, ¶ 301, ¶ 308

\*\*\* Paragraphs 270, 272, 292, 294 have been upgraded since the 14<sup>th</sup> Semiannual Report.

## Supervision

Visual Representation of  
Compliance for:  
**Supervision**



Based on reviews of Wearable Camera System (“WCS”) images during the use of force review assessment, supervisors on scene are generally engaged and conducting appropriate and expected reviews of officer performance. In this reporting period, the Training Section piloted a comprehensive supervisor and leadership training module to be launched in the second half of 2024. The City has made notable progress in its Officer Intervention Program (“OIP”) by recently selecting and receiving approval to partner with a vendor, Benchmark, to develop a computerized relational database that will be used to collect, maintain, integrate, and retrieve department-wide data and data for each CDP officer. As reported in the 14<sup>th</sup> Semiannual Report, the City revised its WCS policies regarding supervisory audits of WCS. The Monitoring Team looks forward to reviewing these supervisory audits in the next reporting period.

Non-Compliance	Partial Compliance	Operational Compliance	General Compliance
¶ 326, ¶ 327, ¶ 328, ¶ 329, ¶ 330, ¶ 331, ¶ 332, ¶ 333, ¶ 334, ¶ 335, ¶ 336	¶ 322, ¶ 323, ¶ 324, ¶ 325, ¶ 339	¶ 337, ¶ 338, ¶ 340	

\*\*\* No changes recommended since the 14<sup>th</sup> Semiannual Report.

## IV. Complete Findings

### 1. Community Engagement and Building Trust

#### Areas of Progress

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Community Engagement: CDP's outreach to the community continues to reflect a commitment to earn trust, cooperation, and respect from the community. CDP is involving new recruits in community outreach efforts so they become integrated into the fabric of the community at the start of their career. Command staff at the District level continue to lead the way for connectivity to community members by setting an example of accessibility and responsiveness to residents' concerns, suggestions, and needs. Officers across the District attend community-led events and are responsive to community members who request a stronger law-enforcement presence in their community. Such encounters continue to build better relationships.

Community Police Commission: In the last reporting period, the Monitoring Team indicated that the CPC was sharpening its focus to assess, evaluate, and make suggestions to CDP regarding areas of training, policy development, equipment acquisition, and deployment of personnel. Indeed, in the last reporting period, the CPC has reviewed and approved: 9 of the 13 trainings it received from CDP and 13 of the 25 policies it received from CDP. Further, the CPC has created workgroups to address specific initiatives, programs, and activities CDP engages in. This is a significant improvement and warranted an upgrade from "Non-Compliance" to "Partial Compliance" for ¶ 17(b) and ¶ 18(a). While the Monitoring Team views the creation of working groups as a critical step towards compliance with ¶ 18(b), the Monitoring Team needs to obtain evidence that the CDP is receiving comments in regard to the initiatives, programs, and activities that the CPC has begun reviewing.

The last reporting period was significantly focused on ensuring access to documents for the CPC. In the first half of 2024, CPC's access to documents—necessary for the City to meet its obligations under the Consent Decree—were inhibited. Document access issues had arisen due to concerns that the City Law Department raised in December 2023 alleging that such access would be a violation of Ohio State law. As a result of the City taking this position, it fell significantly behind in complying with the CPC's document requests. When this occurred, the Court swiftly held multiple status conference hearings with the Parties, ordered the Parties to work together to restore the flow of documents to the CPC, and ordered the City to update the Court by regularly filing status updates. It was through this concerted effort on the part of the Court, City (including CPC and CDP), DOJ, and the Monitoring Team, that the Parties have made important progress. Not only have documents been transmitted, but processes have been meaningfully adhered to and redactions have been minimized. Most importantly, the backlog of requests that the City was obligated to fulfill have been almost entirely eliminated. Because the Monitoring Team has observed initial strides and partial progress towards ¶ 19, this has been updated to "Partial Compliance." The Monitoring Team would urge the City to keep this item as a priority in the months ahead and commends Chief Todd for emphasizing this issue as a priority for her team.

District Policing Committees: DPCs continue their outreach efforts in each District across the community. Meetings are held on a monthly basis and involve a variety of community agencies and District law-enforcement personnel. Community members attending meetings have an opportunity to share concerns about local crimes occurring in their neighborhood and receive feedback on problems they reported on at previous meetings. Informal feedback provided by regular DPC attendees suggests a level of satisfaction with police responses to problems identified by residents and a mutually respectful relationship between the two.

### **Challenges Ahead**

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Community Engagement: There are still groups of individuals in the community who have not yet become accustomed to police outreach efforts or neighbors' friendly association with the CDP. These groups of individuals must continue to be offered opportunities to become part of police-community collaborations and shown how their involvement can benefit them and those they care about. As discussed in more detail under the bias-free policing section, particular attention needs to be given to address the low levels of community engagement by officers in Districts 4 and 5. To see the City's community engagement efforts result in an upgrade to ¶ 14, the Monitoring Team would urge the City and CDP to submit semiannual community engagement updates to the Monitoring Team and DOJ. This is consistent with the report-out described in the Monitoring Plan. Further, this report out should articulate CDP's strategy for incorporating input from the community as it develops its reforms and priorities.

Community Police Commission: The CPC continues to face internal divisions among its members which lead to conflicts rendering the body, at times, unable to reach consensus on vital issues. Such divisions, have occasionally created barriers to building internal trusting relationships as well as impeded establishing the necessary external collaborative relationships needed for successful police reform in Cleveland. A troubling public image may make it difficult to attract new volunteers to the CPC or new prospective applicants to replace those Commissioners rotating off CPC at the end of their two year term. The next reporting period will require the Mayor and the City Council to fill newly vacant positions on the CPC. The Monitoring Team will be observing this process to determine whether upgrades are warranted for ¶ 16.

While there has been significant improvement by the CPC to review materials, it must focus its efforts on refining its processes to ensure both meaningful and efficient review of training and policies. The Monitoring Team would urge the CPC to establish a goal to fully eliminate the training and policy review backlog by the end of the next reporting period. Observing a rigorous and well-organized review process that is maintained over multiple reporting periods will be critical to ensuring further upgrades for ¶ 17(a) and ¶ 18(a).

The Monitoring Team has observed the CPC host public meetings (more than 50+) throughout the reporting period. This is an impressive step towards compliance for part of ¶ 17(a), which requires the CPC to "hold public meetings across the City." The remaining part of ¶ 17(a) requires CPC to "complete an assessment of CDP's bias-free



policing policies, practices, and training, and make recommendations.” Once that assessment is initiated, the Monitoring Team looks forward to re-evaluating ¶ 17(a) for a potential upgrade.

District Policing Committees: DPCs must continue to improve on the diversity of community members involved in its District meetings. Diversifying community participation will give DPCs a broader understanding of the needs of community members who do not normally attend meetings. It will also give DPCs an opportunity to connect and build positive relationships with a population they do not regularly interact with except in an official law-enforcement capacity. The Monitoring Team recommends the City embark on a special recruitment effort to attract a more diverse population to participate in District meetings.

## 2. Community and Problem-Oriented Policing

### Areas of Progress

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The ongoing technical assistance CDP received through the DOJ’s Office of Community Oriented Policing Services (“COPS”) is showing signs of positive change within CDP. A 5<sup>th</sup> District Captain, Timothy Maffo-Judd, has been put in charge of the City’s CPOP program and strategy, and he has great enthusiasm and a vision forward for the agency. Recently, two Districts piloted a program whereby they added a CPOP Coordinator (“CPOP-C”) position to serve as a liaison between all District personnel, the community, analysts, city agencies, community-based organizations, etc. Their focus will be on building partnerships and solving problems through those relationships and maintaining a consistent response to problems by CDP personnel. CPOP-C officers will provide training to and be a resource for the officers within their Districts and be technical advisors in making CPOP a part of the daily work life for all officers. The goal is to expand the pilot program to the remaining three Districts during the next reporting period. Additionally, Captain Maffo-Judd has developed a new Problem-Solving Award in which the community will be significantly involved in the selection process. The CPOP forms have been simplified and follow-up forms use a very similar format to enhance data collection while also lessening the burden of reporting officers.

The CPOP training issue that led to a downgrade of ¶ 30 during the 13<sup>th</sup> Semiannual Report is likely to improve with a replacement curriculum currently being developed among the CDP CPOP training experts, the technical assistance from the DOJ COPS Office, and the training contractors who work with CDP on curriculum development and implementation. The new training program will need to be observed and evaluated by the Monitoring Team when it is launched in 2024.

The City submitted its 2023 CPOP report in July 2024. Because this falls outside of the reporting period, the Monitoring Team will discuss the City’s work in greater detail during the next Semiannual Report.

At the end of the reporting period, the City notified the Monitoring Team that it has equipped all zone cards with “street cards” to help officers easily identify services for

veterans, people experiencing homelessness, and more. The Monitoring Team supports creative tools like this that will help officers connect community members with critical resources. The Monitoring Team looks forward to working with the City to measure the use and impact of these cards – which must be done before the Monitoring Team can justify compliance upgrades the City has sought for ¶ 29.

### Challenges Ahead

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The newly created CPOP-C officers may experience challenges securing full buy-in by all patrol officers, supervisors, and administrators within the patrol section of the agency. True implementation of CPOP—set forth by the Consent Decree—relies on an agency-wide adoption of the philosophy of CPOP; it is not a program nor a specialty, rather, it must be embraced as a core value and organizational philosophy. We remain hopeful that Captain Maffo-Judd's leadership—coupled with persistent reinforcement from Chief Todd and District CPOP-C officers—will help CPOP principles permeate throughout CDP.

## 3. Bias-Free Policing

### Areas of Progress

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In 2018, the Monitor approved of the City's Bias-Free Policing Policy, which was developed by the CPC and involved extensive community outreach to diverse segments of Cleveland's population.<sup>9</sup> This inclusive process is evidence of the early progress made in the area of bias-free policing.

### Challenges Ahead

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Much more work remains to ensure bias-free police services are being delivered in a manner that promotes community confidence in CDP, consistent with ¶ 35 - ¶ 44.

Despite the existence of various data points that support compliance efforts required by ¶ 35 of the Consent Decree, the Monitoring Team has concerns with respect to the Community Engagement Form data it has reviewed. Notably, while 4,424 CDP officers were involved in community engagement activity, most interactions occurred in Districts 2 (35.6%), 3 (29.54%), and 1 (18.17%), with significantly lower engagement in Districts 5 (8.63%) and 4 (7.64%). This pattern is also reflected in the Park, Walk, and Talk data. Given Cleveland's racially and ethnically segregated housing patterns, this disparity adversely impacts residents and the implementation of community engagement and bias-free policing in these predominately Black eastside Districts. Particular attention needs to be given to address the low levels of community engagement by officers in Districts 4 and 5.

To demonstrate progress relative to ¶ 37, the City provided the Monitoring Team with training manuals and policies that referenced anti-discriminatory language. Further, the City provided the Monitoring Team with 2022 data demonstrating a total of 12 bias-

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<sup>9</sup> Input was solicited through 14 town hall meetings, including with communities of color, populations experiencing homelessness, the LGBTQ+ community, and other diverse groups within the City.



policing complaints, none of which were sustained. While this data is interesting, the impact of this complaint data is better assessed through a comprehensive, longitudinal review over multiple years (e.g., 2-3 years). Without data from additional years, we cannot conclude whether this is evidence of a change within CDP or whether there are broader concerns about the objectivity and rigor with which CPRB members are reviewing bias-policing complaints. Moreover, as stated in the 12<sup>th</sup> and 13<sup>th</sup> Semiannual Reports, the Monitoring Team reiterates the necessity for the City to collect and analyze data to determine whether CDP administers its policing activities and organizational operations in a discriminatory manner. This includes the assessment of CDP's recruitment, hiring and promotions processes, accountability systems, allocation of resources, and its interactions with the community it serves and the general public relative to the protected classes specified in ¶ 265. Paragraph 265 and ¶ 43 which, along with the collection and analysis of all relevant data for discrimination or bias, requires that an annual report of the findings be produced and made public. Meeting the requirements of ¶ 43 and ¶ 265 are prerequisites to achieving Operational Compliance in ¶ 35 and ¶ 37.

Lastly, there was an incident in April 2024 that involved an off-duty CDP member assigned to an ATF Taskforce who participated in an illegal detention potentially involving biased policing. Immediately following the incident, Chief Todd issued a Division-wide notice indicating that the officer in-question had been placed on restricted duty and was removed from all public contact. The Divisional Notice further indicated that the actions in the video were not reflective of CDP nor its policies and training. This case is being closely monitored by the Monitoring Team and has significant implications for bias-free policing and community trust in Cleveland.

Given these concerns, and despite strong momentum in this area in 2018, it would be premature to upgrade the compliance status for these paragraphs from "Partial Compliance" to "Operational Compliance" during this reporting period. The Monitoring Team looks forward to continued progress during the next reporting period, which may help establish trend lines that can be better evaluated.

## 4. Use of Force

### Areas of Progress

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The review of select use of force cases from 2022 and 2024 demonstrate that officers and supervisors are, by-and-large, following the policies as required and as described in ¶ 46 of the Consent Decree. At the completion of the formal assessment currently underway, the Monitoring Team will have reviewed every reported level 1 and level 2 use of force incident and the supervisory review of the incident for cases closed during 2024. The completed assessment, along with documents relating to other paragraphs, is required to determine the City's level of compliance in use of force. Relative to force itself, officers are generally conforming to the expectations of the Consent Decree and CDP policy.

Though the City has provided evidence of changes in the practice relative to the Force Investigative Team ("FIT") investigations, the Monitoring Team has not independently



reviewed any new cases since its last FIT assessment. The Monitoring Team is prepared to conduct a new FIT assessment when the IA Superintendent indicates that the City is ready. The IA Superintendent instituted changes to comply with policy and the Consent Decree that address concerns raised by the Monitoring Team relative to timeliness of notifications, administrative hearings, interviews, and other issues identified by the FIT assessment in October 2023. Data have been provided to illustrate the time to close investigations and requests for extensions; however, in order for the compliance rating to change on ¶ 122 and other FIT-related paragraphs, the Monitoring team must complete a thorough review and assessment of case files and related documents.

With the creation of the FRB Working Group that meets roughly every six weeks, those Monitoring Team members who have observed the FRB are able to provide feedback on the depth and details of the discussion, as well as the actions the FRB is requiring as follow up. The Monitoring Team participates either virtually, or whenever possible, in person, at the quarterly FRB meetings. Over the last reporting period, the Monitoring Team observed improvements in the presentations and observed broad participation by FRB members. The discussions recently have included a broader time horizon; that is, the FRB members are discussing the actions and tactics before and after the actual use of force, as well as the expected follow-up actions.

### Challenges Ahead

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Force that is reported is done so in compliance with ¶ 47. However, the Monitoring Team is not aware of any audits or reviews that CDP conducts to ensure that use of force is not being underreported. Force that *is* reported does conform to the reporting requirements.

While the use of force assessment reveals that officers are generally following policy, there have been a handful of incidents in this review period that left Monitoring Team reviewers concerned about officer safety and tactical decision making. Moreover, in most of the cases, there was no indication that the chain of command in its review called out these issues. While not rules or policy violations, improving tactics, coaching officers, and ensuring they are adhering to CDP training standards is expected by the Consent Decree to achieve the highest level of compliance. This lack of attention to corrective action or counseling in order to raise standards is also evident in the FRB meetings.

Pursuant to ¶ 127(f), the FRB is required to, “recommend non-disciplinary corrective action to enable or encourage an officer to improve his/her performance.” Consistent with this paragraph requirement, the Monitoring Team has communicated to the City that CDP could do more with information garnered from their discussions to improve performance of its members. Unfortunately, the Monitoring Team members have observed instances where the FRB has minimized officer conduct by characterizing it as “not a rules violation” and as such, not necessary to be referred for non-disciplinary counseling. The FRB is an accountability mechanism, designed to identify areas for improvement in individuals and across CDP. As the Monitoring Team has said before, the City has an opportunity to distinguish itself as a leader dedicated to excellence. Utilizing the FRB to enhance instruction, coaching, and mentoring is one such way to demonstrate that commitment and compliance with ¶ 127(f). Monitoring Team members approved and observed the use

of force training, the quality of the training is not at issue. The Monitoring Team is confident in the skills being instructed, but is concerned with the practice and oversight of the training in the field.

An updated FRB training is behind schedule, though in development by the Training Section with the support of members of the FRB. The Monitoring Team expects receipt of that revised training by the end of the year.

## 5. Crisis Intervention

### Areas of Progress

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The 14<sup>th</sup> Semiannual Report noted that PAT, the City's Health Department, CDP, and MHRAC took on an expanded leadership role in the area of crisis Intervention in order to provide the foundation necessary to promote community solutions and assist individuals in crisis through effective problem solving and sustainable change.<sup>10</sup> The DOJ, City Law Department, ADAMHS Board, and the Monitoring Team worked cooperatively to reach an agreement on a formal methodology for a crisis intervention assessment. The evaluation methodology was refined, and the initial compliance assessment is currently underway. The Monitoring Team appreciates the timeliness with which the City provided feedback on the methodology, as well as the necessary documentation and data required to complete the assessment. While the path to full compliance with the Consent Decree will involve a series of graduated steps, this represents an important milestone in the work involving the community and the Parties to the agreement.

The spirit of cooperation has been notable in the area of crisis intervention. PAT and the Health Department have worked to create a system of review and approval in the critical area of police training. The MHRAC Training Subcommittee worked with the community to develop a trauma-related curriculum for the officers and a revised behavioral health related curriculum for 911 call takers and dispatchers, which was reviewed and approved by MHRAC, the CDP Training Section, the CPC, and the CPC Training Committee. CDP continues to work with the DOJ and the Monitoring Team to finalize and receive final approval for these trainings. Establishing a process for review and approval of curricula across a range of agencies and community partners has been a critical step in ensuring all members of the community have confidence in the quality and scope of officer training. This hard work is highly appreciated. MHRAC has continued to serve a critical role in advising CDP, and the training subcommittee has provided excellent training. Furthermore, a new MHRAC subcommittee, titled the Data and Growth Subcommittee, has recently been re-established to make use of CDP data to improve both CDP and the crisis response system.

The 14<sup>th</sup> Semiannual Report challenged the City and CDP to find opportunities to create a newfound confidence in the police response to individuals involved in a behavioral crisis and show the community firsthand that progress is being made. The report also challenged the City and CDP to continue to expand recruitment of the CIT officers who volunteer and to provide these officers with the opportunity for leadership during crisis

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<sup>10</sup> 14<sup>th</sup> Semiannual Report at 18.



events. Finally, the report emphasized the importance of maintaining accessible community resources for CDP's officers to access. Notable progress has been made on these issues. The City has been sharing information on the CDP Crisis Intervention Program with City agencies through the City's Urban Analytics and Innovation section. The City has also utilized public media such as interviews with CDP, PAT, and the Health Department on community-funded media sources, like Ideastream. This work continued with a presentation to the Cuyahoga County Community Needs Assessment, a meeting of leaders and representatives of Cleveland-area behavioral health agencies. More recently, the City has developed a well-organized publicly available Crisis Intervention Dashboard.

CDP has also developed a detailed strategy for maintaining a sustainable CIT program. This strategy includes attention to recruitment as well as a dispatch and supervisor QA tracking system to assure CIT officers are appropriately dispatched to crisis events. The last four years have brought a measurable increase in crisis events with a CIT officer on the scene.

Finally, there has been a new focus on the availability of community resources for CDP. The ADAMHS Board has emphasized the use of the Diversion Center, a newly formed hospital-based behavioral health emergency service at Metro Hospital and the development of a Care Response model of community intervention. The Care Response model involves a community response to crisis intervention that prioritizes the health of the person experiencing a crisis. The Care Response model is a pilot project of the Health Department and the ADAMHS Board and should make a difference in community support for crisis intervention resources.

## Challenges Ahead

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The Monitoring Team is in the process of formally assessing the City and CDP's compliance with the crisis intervention terms of the Consent Decree and expects upward shifts in compliance status in this area following the completion of this formal assessment. An evaluation process of this intensity can bring additional challenges to any agency. Sometimes, the first evaluation is a learning process that leads to greater improvement and eventual success. To the extent there are areas that need additional outcome data or even further improvement, CDP's response to the assessment will be a key factor in ensuring eventual success. CDP has shown an ability to improve and make changes that led to success in the Crisis Intervention Program. The challenge will be for CDP, should areas still need work to reach "General Compliance," to tackle any issues presented with the same zeal demonstrated over the past year.

CDP and the City have made a good start over the past six months in making the case for their Crisis Intervention Program to become an exemplary one. However, obtaining community trust in the program will take time. Continued success in the outcomes of behavioral crisis events will eventually showcase the City's hard work and commitment in this area. Additionally, expanded efforts of the newly formed MHRAC Data and Growth Subcommittee will go a long way to reassuring the public that CDP has been able to form a self-correcting capacity to identify and change practices in this area that are in need of

improvement. Accomplishing this level of quality assurance can be challenging in a public forum such as MHRAC, but the results would be quite effective in creating a positive view of the department's Crisis Intervention Program.

The City of Cleveland has undergone significant changes since the 1<sup>st</sup> Semiannual Report. A number of new structures, responsible agencies, and key leaders have emerged and developed systems to support the City's behavioral crisis intervention work.

## 6. Search and Seizure

### Areas of Progress

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The restoration of the Monitoring Team and DOJ's access to critical data systems following a Court Order issued in March 2024 was an important step forward. This access enables the Monitoring Team to proceed with its scheduled search and seizure assessment. In advance of the assessment, the Monitoring Team requested a preliminary data set containing the incident numbers of all non-consensual traffic stops and investigatory stops made by CDP officers in 2023. This data was provided by the PAT team and was used to calculate sample parameters included in the formal search and seizure Data Request and Assessment Plan submitted by the Monitoring Team on July 10, 2024. Assuming no further disruptions, the Monitoring Team will begin the official search and seizure Assessment in the next reporting period (second half of 2024).

Additionally, CDP submitted its 2022 Stops Data Report during the reporting period. The Monitoring Team and DOJ provided written feedback on the report to the City. Much of the feedback echoed that which had been provided following the City's submission of the 2021 report. The City requested a meeting to discuss the feedback, and the search and seizure working group met during the July 23-24 site visit to carry out productive discussions with respect to the report and to ensure the feedback is incorporated into future reports.

### Challenges Ahead

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Despite this progress, challenges remain. The Monitoring Team and DOJ provided written feedback on the City's 2022 Stops Data Report. That feedback largely echoed the feedback that the Monitoring Team and DOJ provided in response to the 2021 Stops Report. The City failed to submit the 2023 Stops Report during this reporting period in accordance with the Monitoring Plan.

The 14<sup>th</sup> Semiannual Report also noted the expectation of receiving the PAT team's report and findings with respect to its self-audit of search and seizure protocols, administrative review processes, and data collection and management systems. Collectively, these shortcomings impact the need to timely evaluate data to inform current practices. The City previously assured it would provide the Monitoring Team and the public with "consistent updates regarding its progress and findings." To date, no report or findings have been provided or otherwise published. This internal self-audit—which was the basis for the requested pause in the search and seizure assessment during the previous

reporting period—represents the City’s efforts to take greater ownership over the self-auditing process. The absence of the report and associated findings hinders the effective collaboration between the Parties and the Monitoring Team, as well as the building of trust with the community.

In combination with technology access issues detailed in the 14<sup>th</sup> Semiannual Report, the postponed assessment has added approximately six months to the already year-long delay of the search and seizure assessment. These continued delays rendered much of the 2022 Stops data outdated given that the purpose of the assessment is to inform and improve current protocols and practices. Consequently, the Monitoring Team has decided to use the 2023 Stop data for the assessment, deeming it both more relevant and informative.

In the interim, new data access concerns emerged following a June cyber-attack which targeted Cleveland City Hall and various city government data systems, and which caused the City to temporarily discontinue the Monitoring Team’s access to data systems housed on the City’s virtual private network. This disruption affected ongoing assessments, including the search and seizure assessment. However, the City has proposed a method to restore access to these systems, allowing the assessment to proceed as scheduled.

In conclusion, the restoration of data access is a positive step, but continued delays resulted in outdated 2022 data and a modification to the Monitoring Team’s assessment plan. A considerable amount of work remains to be done in the area of search and seizure during the next reporting period, and will require collaboration and adherence to commitments for the City to make continued progress toward compliance with the Consent Decree.

## 7. Accountability

### Areas of Progress

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Internal Affairs: During prior reporting periods, the IA team took a systematic approach to ensure the processes implemented were being consistently followed. The IA team was able to provide the Monitoring Team with an example of a final report template, as well as examples of investigative cases to demonstrate the implementation of successful processes related to ¶¶ 183, 184, 186, and 187. However, the Monitoring Team will need to assess the entire process of IA’s work to be able to determine whether moving toward “Operational Compliance” is warranted.

The IA Unit reports that it has submitted a draft training curriculum to the Training Review Committee. Once approved, the training curriculum will ensure all IA investigators have received adequate initial training as per ¶ 180. The training curriculum is now going through the approval process as required by the Consent Decree. Upon approval, all current and future IA Unit members will be provided the same approved training.

All members of the IA Unit participated in ninety minutes of subscription webinar-based training on the topic of “Harassment Prevention, Diversity and Misconduct.” All members





of the IA Unit also received Sensory Inclusive First Responder Training and certification. All members of the IA Unit also attended thirty-two hours of training presented by the Association of Force Investigators (“AFI”). This training was not submitted for compliance issues under ¶ 181, as it did not go through the proper approval process as mandated by the Consent Decree.

Office of Professional Standards: Since Administrator Perez’s return from leave, OPS has focused on continuous improvement and investment in its workforce. As a result, backlogs have been reduced and should continue to decline. Investigators’ caseloads are necessarily high, however cases are being completed mostly within the guidelines established by the Administrator. Additionally, the Monitoring Team meets regularly with the Administrator and biweekly with OPS, the Monitoring Team and DOJ. There is also a new OPS Documents Working Group created comprised of the PAT, OPS, CDP, the Monitoring Team, and DOJ with the goal of ensuring that OPS has access to the documents it needs to complete fair, thorough, and timely investigations.

Civilian Police Review Board: The teamwork approach between OPS and the CPRB has progressed well with the leadership of the OPS Administrator and the CPRB Chair. The Monitoring Team has observed a more seamless process for OPS cases to flow through the CPRB, and the CPRB has worked diligently to assist with the backlog reduction and improve timeliness.

Discipline: During this reporting period, CDP continued to spend time collaborating with the Monitoring Team and DOJ on updating its disciplinary matrix, which has a proposed title change to “Corrective Action Guidance.” There is only one item outstanding to complete the update. The Monitoring Team continues to be optimistic that with continued collaboration during the next reporting period, the outstanding item will be agreed upon and approved.

## **Challenges Ahead**

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Internal Affairs: As stated in the last rating period, IA will need to ensure that its IAPro data is consistent as supervisors work to follow the procedures required for entering allegations correctly. IA supervisors continue to attend District roll calls to discuss data and statistics observed in IAPro. Also, IA leadership will continue to be challenged with ensuring internal investigations delegated to other units are completed in a timely manner as required by ¶s 182-187 of the Consent Decree. IA leadership reports that it continues to work with outside stakeholders on cases that have been open for an extended period.

Ultimately, the Monitoring Team will need to formally assess IA’s work prior to moving the City toward “Operational Compliance” in ¶s 179, 182-184, and 186-188.

Office of Professional Standards and Civilian Police Review Board: This reporting period was marked by significant problems related to OPS’s access to CDP documents and materials. The OPS investigators must use the same data as the IA uses in conducting its investigations, but was denied access to those same materials. As has been stated in

prior sections of this report, Court intervention and changes in the City's position in regards to redactions for OPS and CPC, have hopefully resolved this issue going forward.

The City provided the DOJ and Monitoring Team with draft OPS and CPRB manuals on May 30, 2024, which were reviewed and returned to the City on June 20, 2024. The completion of these manuals is a critically important requirement to guide the procedures, practices, and protocols that both entities must perform.

OPS and CPRB shared an attorney who does not have any actual or apparent conflicts of interest. During this reporting period, the attorney who worked with the OPS and CPRB became a full-time member of the City Law department. OPS and CPRB need to hire its own separate counsel to avoid potential conflicts of interest when an employee of City Law disagrees with his/her boss and yet cannot advocate against them on behalf of OPS/CPRB (§ 198).

Finally, like all boards with fixed terms of office, the CPRB faces the challenge of maintaining consistent board membership. This can be, and hopefully will be, well managed by a thorough training protocol for new members with mentorship by the Board Chair assisted by the OPS Administrator.

Discipline: Monitoring Team members have spent substantial time this reporting period reviewing disposition letters from disciplinary hearings. Ultimately, a discipline assessment will allow the Monitoring Team to determine whether discipline is being applied consistently, fairly, and adheres to policy procedure. Prior to initiating a future assessment, the Monitoring Team looks forward to meeting with Chief Todd and Public Safety Director Drummond to better understand their decision-making processes and their understanding of the current discipline matrix.

## 8. Transparency and Oversight

### Areas of Progress

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In March, the City began the process of developing a revised posting for the Inspector General ("IG") position, which has been expanded to include oversight of all City Public Safety agencies and now reports directly to the Public Safety Director. The Monitoring Team and DOJ reviewed the proposed posting and determined it contained all of the requirements set forth by the Consent Decree. Input was solicited from the CPC regarding minimum qualifications and the IG position is currently posted for hire with a closing date of August 7, 2024. While the posting occurred after the reporting period, the iterative process—which involved the Monitoring Team and the DOJ—occurred during the reporting period. A review of the posting verified that it is compliant with §§ 251-254. As such, §§ 251-254 are elevated to "Partial Compliance." Once the position is filled, further compliance will be evaluated. An examination of the City's 2024 budget verified that the IG position is listed in a separate line item as required by § 255 demonstrating "Partial Compliance." There is a specific IG line-item in the budget, however, to reach "Operational Compliance," the Monitoring Team must assess, along with the future



incumbent, “whether it affords sufficient independence and resources to meet the terms of this Agreement.”

The relatively new Open Data portal is a step toward greater transparency of CDP’s data as required by ¶ 267. The Dashboard and Analytics Section allows a user to view crime maps with filters for location, time of day, day of week, and crime type. There are visual representations of the data in a number of formats including maps, charts, graphs, and in dataset format.

Several aspects of accountability are found on CDP’s website using the navigation bar’s “Police Oversight & Accountability” label.

The CDP continues to modify its CDP Stat Process. The Monitoring Team appreciates command staff being engaged these meetings to connect data, policy, and operations more closely.

### **Challenges Ahead**

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With the IG position now posted, the City must prioritize candidate interviews and hiring without undue delay while ensuring that the selected candidate meets all the qualifications delineated in the Consent Decree. Based on prior experiences in recruitment for positions in Cleveland, utilizing external resources and networks may be necessary to assemble a quality pool of candidates.

Several of the paragraphs in this section that remain as “Non-Compliance” or “Partial Compliance” could be upgraded without extraordinary effort. As stated in the last report, increased compliance can be achieved with ¶s 261-263, with demonstration of job requirements or a standard operating procedure for the Data Analysis and Collection Coordinator to conduct the routine tasks required by those paragraphs.

Compliance with other paragraphs in this section are regular topics of conversation with the Monitoring Team and the Parties. The Monitoring Team will rely on subject-specific working groups over the coming reporting period to help connect the requirements for extensive reporting and analyses of ¶s 264 and 265. The Monitoring Team noted for the City, that the details of the analysis reflected in its recently shared 2022 Stop Report is an improvement. However, critical changes need to be made for this report to comply with the Consent Decree. The Monitoring Team looks forward to these working groups continuing to support the City’s ongoing efforts to raise the quality and utility of the reports.

Additional work, or documentation of the work done, is necessary for compliance scores for ¶s 267 and 268 to change. These paragraphs require specific data to be shared with the public and expects that the CPC be engaged in that process. It remains a challenge for even those familiar with the City’s website to locate specific policies as required by ¶ 268. In addition to requirements to post policies and procedures, the paragraph also requires posting and publication of training plans, community policing initiatives, community meeting schedules, and internal audit reports on its website. If these items are posted, the search tool does not locate them directly, and the navigation bars do not

include language that assists the user's search. Budgets, audits, CDP information, all headings in the "Links & Publications" section are not current. Training plans, community policing initiatives, or community meetings are not viewable on CDP's website.

## 9. Officer Assistance and Support

### Areas of Progress

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Training: The annual training plan is a concept now embraced by the Training Section Commander. A three year training plan was presented within the reporting period, with a detailed description of 2024 training and an outline of anticipated training for 2025 and 2026. Monitoring Team members have attended multiple training sessions and observed improvement in classroom management by instructors. The annual in-service training sessions now fully use a combination of classroom and scenario training, integrating critically important concepts such as de-escalation, use of force, CIT/behavioral health-related training, and procedural justice. Feedback provided after scenarios include input from officers who participated, as well as the instructor/observers. The Training Section leadership continues to hold regularly scheduled working group meetings with the Monitoring Team and DOJ for both progress briefings, as well as soliciting feedback and technical assistance. The Training Section has successfully integrated responsibilities for review by the CPC into the Training Review Committee. By all accounts, this has been beneficial.

Equipment: The incorporation of contemporary IT systems appears to be fully operationalized. The staff at the City's Information Technology Services ("ITS") are engaged with CDP and wholly supportive. The City's equipment procurement and replacement system to support the CDP is effective and requests from the IT Board (that includes members of the CDP) have advanced. The continuation of the initial Equipment and Resources plan, along with the active engagement of IT professionals at ITS, gives the Monitoring Team confidence that acquisition, replacement, and updates will continue. Several individual paragraphs have been upgraded in this report as a reflection of the operationalization of the plans, as well as the ongoing support from the City and the budget authorizers.

Recruitment and Retention: During the last reporting period the City's Recruitment Office hosted a weekend-long recruitment event that yielded a greater number of applicants than in the last several years. From those, a class of 52 individuals was seated on March 25, 2024, the largest CDP class in recent history. Tracking Divisional Notices since March, it appears that nine have left of their own accord.

Performance and Promotions: The Monitoring Team and DOJ have met with the City several times to discuss and offer assistance toward achieving compliance with the Consent Decree's requirements involving performance and promotions. The Monitoring Team stands ready to support the City when it signals it is ready to dedicate time and resources to this important effort.

## Challenges Ahead

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Training: Despite the best efforts of the Training Section Commander and staff to oversee *all* training throughout CDP, there are continued instances whereby specialized units do not seek review and approval by the Training Section Commander, consistent with ¶s 275 and 280. The complete review and potential overhaul of the Field Training Officer (“FTO”) program has not yet been presented to the Monitoring Team. Some specialized training, some of which is new to CDP, still requires significant technical assistance from either the Monitoring Team or outside entities. Last year’s CPOP training, this year’s CPOP updates, and the supervisor and leadership training are examples of CDP seeking external support. A promised update to the FRB training is overdue; and once that training is approved and all FRB members have received the training, the Monitoring Team will need a full accounting of who has completed the training to ensure FRB complies with the requirement that all participants have completed the training. In the coming period, it would be beneficial for the Training Section with the assistance of the PAT team to review related paragraphs in anticipation of a formal assessment. Finally, given the increasing pace of work required by the Training Section, attention should be given to requests for more resources and staff.

While the Training Section may be following policies consistent with the Consent Decree, a full and formal assessment of all training-related paragraphs must be conducted by the Monitoring Team for compliance upgrades.

Equipment: In early June, at the end of the reporting period, the City of Cleveland experienced a data incident that necessarily resulted in closing systems to ensure tighter security. For much of June the Monitoring Team was thus unable to work on the planned and ongoing assessments. Though outside of the reporting period, by mid-July the IT Section, along with the PAT, developed both a short-term workaround and then a longer-term solution that is still being tested. The Monitoring Team appreciates the City’s efforts.

Recruitment and Retention: As garnered by the monthly Divisional Notices, the CDP continues to lose officers to voluntary separation. There are resignations from academy classes, which could be attributed to individuals realizing the job is not for them. Nevertheless, the number of voluntary separations is high.<sup>11</sup> The City has adopted new strategies to tackle its long-term recruitment and retention crisis but can do more to incentivize longer retention among its newest employees. In this last reporting period, the Monitoring Team has seen a number of Divisional Notices indicating officers are returning to the CDP, likely enticed by the updated and heavily promoted incentives.

Promotion: During this reporting period, through a Divisional Notice, the Monitoring Team learned of an officer’s promotion to sergeant that was deeply concerning.<sup>12</sup> This officer was previously found guilty of 16 separate administrative violations, including Brady List violations, leading the then-chief to recommend termination. The then-Director of Public

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<sup>11</sup> In review of the Divisional Notices month-to-month, there have been 28 terminations year-to-date, 25 of which were voluntary, and nine from the academy class.

<sup>12</sup> DN 24-176

Safety, however, ordered a 30-day suspension. In January of 2019, the former Monitor, Hassan Aden, notified the City and later informed the Court, that the City was out of compliance with the Consent Decree by not terminating the officer who had “knowingly and intentionally lied leading to an individual being deprived of his liberty for a period of some eight months.”<sup>13</sup>

The promotion of this individual,<sup>14</sup> with this history of adjudicated discipline could erode the public trust in CDP and confidence in the good work of countless other officers. The action, and relative lack of apparent willingness to rescind this promotion, will no doubt cause the public to question the City’s commitment to reforming culture, advancing excellence, and embracing the values of the Consent Decree. First-line supervisors carry the greatest influence with the rank and file officers. First-line supervisors instill and enforce culture. For these reasons, CDP should carefully consider the implications of its promotions of officers who have a pattern of violating policy.

After frank discussions with the Director of Public Safety and the Law Director, the Monitoring Team will closely watch how the City handles this admitted “mistaken” promotion and report on its resolution in the next Semiannual Report.

The Monitoring Team has observed that the City has neither created nor adopted proper performance review processes that are objective and relevant, and has been equally slow in adopting contemporary promotional processes. Together, these processes would guide decision-making to avoid such gaffs. The Monitoring Team urges the City to work with the Monitoring Team on these items and to consult external legal and labor relations experts on these topics.

Employee Assistance: A strong health and wellness program embedded within employee assistance demonstrates to officers that their well-being is important and will be supported. The absence of movement in this area is notable and unfortunate.

## 10. Supervision

### Areas of Progress

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The approved curriculum for the Supervisory training is being implemented during the upcoming reporting period. Although the Monitoring Team had limited opportunity to observe the pilot, the attending supervisors were attentive, and the curriculum was perceived as well-received. As observed in the ongoing use of force reviews, on-scene supervisors consistently reviewed incidents following CDP protocols.

On March 26, 2024, the City informed the Monitoring Team that it had decided to outsource its Officer Intervention Program (“OIP”) database development and that vendor

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<sup>13</sup> See Dkt. #319-1 at 73, Filed July 13, 2020.

<sup>14</sup> It should also be noted that the promotion of this individual only came to light following the Monitoring Team and DOJ’s review and feedback that two (2) other police officers promoted to Sergeant also had a history of containing serious disciplinary issues.



interviews had begun. A vendor has since been selected and passed City Council approval. The Monitoring Team looks forward to the City's continued progress in this area.

### Challenges Ahead

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There are several challenges that supervisors must focus on in the next reporting period. As reported in the CPOP section of this report, the new CPOP-C officers, who will need time away from calls for service to focus on solving a specific problem, will also require an increased level of support and encouragement from their supervisors.

The Monitoring Team, through its review of materials and attendance at FRB meetings, has observed instances where the review process does not work as intended. For example, Sergeants who should have identified issues with an Officer's Blue Team entries, did not. Accordingly, Lieutenants must coach and work with Sergeants to improve their review skills.

Now that a vendor has been selected and approved to develop the OIP database, it is incumbent upon the City to ensure that database development and subsequent training proceeds without delay. The Monitoring Team would like to see CDP prioritize this area in the next reporting period. A robust OIP should be viewed as an integral part of achieving and maintaining a healthy workforce.

In addition, the City's promotional processes require significant work to ensure that all supervisors promoted are positive role models who have merited their promotions, and have work records free from excessive and/or serious disciplinary histories.

## 11. Outcome Measurements

In the 14<sup>th</sup> Semiannual Report, the Monitoring Team praised CDP for improving its data collection measures over the course of the Consent Decree and urged the City to publish its data on its website. The Monitoring Team also foreshadowed for the public that the City intended to increase its data transparency practices through the newly created Office of Urban Analytics and Innovation ("Urban AI") and its open data initiative. The Monitoring Team is very pleased to report that the first installment of this initiative was launched during the reporting period through the City's Open Data - Crisis Intervention Team Dashboard, referred to earlier in this report. The Monitoring Team looks forward to further installments of this dashboard as there is a trove of valuable information that CDP has at its fingertips within these data.

As has been referenced earlier in this report, the Monitoring Team is in the process of conducting formal assessments in the areas of crisis intervention, use of force, and search and seizure. The reports that are prepared at the conclusion of these formal assessments will include the outcome data, trends, and patterns set forth in ¶ 367.

## V. Appendix

### 1. Community Engagement and Building Trust

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
14	CDP creation of “formal and informal mechanisms that facilitate ongoing communication between CDP and the many Cleveland communities it serves.”	PARTIAL COMPLIANCE
15	Creation of CPC to make recommendations, work with Cleveland communities to develop recommendations, and “report to the City and community as a whole and to provide transparency” on reforms.	GENERAL COMPLIANCE
16	CPC members “will be appointed and vacancies will be filled in accordance with the City’s Charter”; and periodic meetings with Chief of Police to “provide recommendations.”	PARTIAL COMPLIANCE
17(a)	“[H]old public meetings across the City, complete an assessment of CDP’s bias-free policing policies, practices, and training, and make recommendations.”	NON-COMPLIANCE
17(b)	“[A]ssist as appropriate in . . . development of training related to bias-free policing and cultural competency.”	PARTIAL COMPLIANCE
17(c)	“[O]n an ongoing basis, assess CDP’s community activities” and “make recommendations” related to “community engagement” and “community confidence.”	NON-COMPLIANCE
17(d)	“[O]n an ongoing basis, review CDP’s civilian oversight structure to determine if there are changes it recommends for improving CDP’s accountability and transparency.”	PARTIAL COMPLIANCE
18(a)	“[R]eview and comment on CDP’s policies and practices related to use of force, search and seizure, and data collection and retention.”	PARTIAL COMPLIANCE
18(b)	[R]eview and comment on CDP’s implementation of initiative, programs, and activities that are intended to support reform.”	NON-COMPLIANCE



PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
18(c)	"[H]old public meetings to discuss the Monitor's reports and to receive community feedback concerning CDP's compliance with this Agreement."	PARTIAL COMPLIANCE
19	"The City will provide access to all information requested by the Commission related to its mandate, authority, and duties unless it is legally restricted."	PARTIAL COMPLIANCE
20	CPC "will issue [at least annual] reports," which the "City will post . . . to the City's website."	NON-COMPLIANCE
21	"The City will consider and timely respond in writing to the Commission's recommendations for improvements," which "will be posted to the City's website."	NON-COMPLIANCE
22	CPC budget listed as "separate line item" to ensure "sufficient independence and resources."	GENERAL COMPLIANCE
23	Facilitation of "regular communication and cooperation between CDP and community leaders at the local level," with District Policing Committees meeting "at minimum, every quarter."	PARTIAL COMPLIANCE
24	CPC, CDP, and Community Relations Board ("CRB") will "develop a mechanism to recruit and expand" Committee membership." CDP "will work with [Community Police] Commission to select officers for each District Policing Committee."	NON-COMPLIANCE
25	CDP "will work closely with District Policing Committees to identify strategies to address crime and safety issues in their District," considering and addressing identified priorities.	PARTIAL COMPLIANCE
26	"At least annually, each District Policing Committee will present its identified strategies, concerns, and recommendations" to the CPC, with CDP officer who is Committee member presenting to CPC "CDP's assessment of ways to address" the recommendations."	PARTIAL COMPLIANCE

## 2. Community and Problem-Oriented Policing

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
27	Implementation of “comprehensive and integrated community and problem-oriented policing model” by the City.	PARTIAL COMPLIANCE
28	Ensuring that “mission statement reflects [the Division’s] commitment to community-oriented policing” / “integrat[ing] community and problem-oriented policing principles into its management, policies and procedures, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.”	PARTIAL COMPLIANCE
29	Ensuring “that officers are familiar with the geographic areas they serve,” “engage in problem identification,” and “work proactively . . . to address quality of life issues.”	PARTIAL COMPLIANCE
30	Initial and annual in-service community and problem-oriented policing training “adequate in quality, quantity, type, and scope” that addresses specifically identified areas.	NON-COMPLIANCE
31	Maintenance of “collaborative partnerships with a broad spectrum of community groups,” including CDP meetings with community organizations and District Policing Committees.	PARTIAL COMPLIANCE
32	CDP “meet[ing] with members of the community in each District on a monthly basis and “solic[it]ation of] participation from a broad cross-section of community members in each District” to “identify problems and other areas of concern . . . and discuss responses and solutions.”	PARTIAL COMPLIANCE
33	Development and implementation of “systems to monitor officer outreach	PARTIAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
	to the community” that CDP “will use . . . to analyze . . . whether officers are partnering with a broad cross-section of community members to develop and implement cooperative strategies that build mutual respect and identify and solve problems.”	
<b>34</b>	“At least annually, CDP will present the results” of paragraph 33 analysis “broken out by District in a publicly-available community policing report” that describes problems, solutions, and obstacles. Report provided to Commission and posted on CDP website.	<b>NON-COMPLIANCE</b>

### 3. Bias-Free Policing

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
<b>35</b>	Delivery of “police services with the goal of ensuring that they are equitable, respectful, and free of unlawful bias,” among other things.	<b>PARTIAL COMPLIANCE</b>
<b>36</b>	“CDP will integrate bias-free policing principles into its management, policies and procedures, job descriptions, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.”	<b>PARTIAL COMPLIANCE</b>
<b>37</b>	CDP will ensure that it “administer[s] all activities without discrimination” on basis of various protected classes	<b>PARTIAL COMPLIANCE</b>
<b>38</b>	“CDP will develop a bias-free policing policy” incorporating CPC recommendations “that provides clear guidance to officers”	<b>OPERATIONAL COMPLIANCE</b>
<b>39-40</b>	Develop bias-free policing and procedural justice training “adequate in quality, quantity, scope, and type” covering specific areas within 18 months of the Effective Date.	<b>OPERATIONAL COMPLIANCE</b>
<b>41</b>	Supervisor training on bias-free policing and procedural justice issues covering specific areas	<b>PARTIAL COMPLIANCE</b>

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
42	Annual in-service training on bias-free policing “adequate in quality, quantity, type, and scope”	PARTIAL COMPLIANCE
43	Analysis of paragraph 265 data (“including use of force, arrests, motor vehicle and investigatory stops, and misconduct complaints alleging discrimination”)	NON-COMPLIANCE
44	Consideration of “bias-free policing and equal protection” principles in hiring, unit assignment, promotion, and performance assessments.	PARTIAL COMPLIANCE

#### 4. Use of Force

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
45	“CDP will revise, develop, and implement force policies, training, supervision, and accountability systems with the goal of ensuring that force” complies with the Constitution, federal law, and the Consent Decree “and that any use of unreasonable force is promptly identified and responded to appropriately.”	OPERATIONAL COMPLIANCE
46	“The City will implement the terms of this Agreement with the goal of ensuring that use of force by CDP officers . . . will comply” with at least twelve major, listed principles.	PARTIAL COMPLIANCE
47	Division “will ensure that the [use of force] incident is accurately and properly reported, documented, and investigated.”	PARTIAL COMPLIANCE
48	“CDP will track and analyze officers’ uses of force to hold officers accountable for unreasonable uses of force; to guide training and policy; and to identify poor tactics and emerging trends.”	OPERATIONAL COMPLIANCE
49	Development of use of force policies “that comply with applicable law[,] . . . are adequate to achieve the goals described in paragraph 45,” and “specify that unreasonable use of force will subject officers to the disciplinary process, possible criminal prosecution, and/or possible civil liability.”	OPERATIONAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
50	"CDP's policies will address the use and deployment of its authorized force techniques, technologies, and weapons."	OPERATIONAL COMPLIANCE
51	Weapon-specific policies "will include training and certification requirements that each officer must meet before being permitted to carry and use the authorized weapon."	OPERATIONAL COMPLIANCE
52	"No officer will carry any weapon that is not authorized or approved by CDP."	OPERATIONAL COMPLIANCE
53	"Prior to the use of any approved weapon, the officer, when possible and appropriate, will communicate to the subject and other officers that the use of weapon is imminent, and allow the subject an opportunity to comply."	OPERATIONAL COMPLIANCE
54-83	"The City will implement policies" for firearms, ECWs (Tasers), and OC (pepper) spray that comply with a host of specific, expressly listed provisions.	OPERATIONAL COMPLIANCE
84	CDP "will provide all current officers use of force training that is adequate in quality, quantity, scope, and type and that includes" a number of specific, expressly listed elements.	OPERATIONAL COMPLIANCE
85	CDP "will provide the use of force training described in paragraph 84 to all new officers."	OPERATIONAL COMPLIANCE
86	"CDP will provide all officers with annual use of force in-service training that is adequate in quality, quantity, type, and scope."	OPERATIONAL COMPLIANCE
87	"CDP will develop and implement a single, uniform reporting system pursuant to a use of force reporting policy" that complies with the force Level categorization set forth in the paragraph.	GENERAL COMPLIANCE
88	Requiring "[a]ll officers using or observing force" to complete a Use of Force Report including a number of specific features and avoiding "conclusory statements, 'boilerplate', or 'canned' language."	OPERATIONAL COMPLIANCE
89	"Officers will be subject to the disciplinary process for material omissions or	OPERATIONAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
	misrepresentations in their Use of Force Reports.”	
<b>90</b>	“Officers who use or observe force and fail to report it will be subject to the disciplinary process, up to and including termination, regardless of whether the force was reasonable.”	<b>OPERATIONAL COMPLIANCE</b>
<b>91</b>	Requirement to “notify . . . supervisors . . . as soon as practical following any use of force” and if becoming aware of “an allegation of unreasonable or unreported force by another officer.”	<b>OPERATIONAL COMPLIANCE</b>
<b>92</b>	“Use of Force Reports will be maintained centrally.”	<b>OPERATIONAL COMPLIANCE</b>
<b>93</b>	“A supervisor who was involved in a use of force, including by participating in or ordering the force under investigation, will not investigate the incident or review the Use of Force Reports for approval or disapproval.”	<b>OPERATIONAL COMPLIANCE</b>
<b>94</b>	Setting specific requirements relating to the investigation of low-level, Level 1 force.	<b>OPERATIONAL COMPLIANCE</b>
<b>95-109</b>	Setting specific requirements relating to the investigation by supervisors and/or CDP chain of command for investigation and review of Level 2 force.	<b>OPERATIONAL COMPLIANCE</b>
<b>110</b>	“CDP may refer criminal investigations of uses of force to an independent and highly competent agency outside CDP.”	<b>OPERATIONAL COMPLIANCE</b>
<b>111</b>	Creation and design of dedicated Force Investigation Team (FIT) that “will conduct administrative investigations . . . and criminal investigations” of serious force, “force involving potential criminal conduct,” in-custody deaths, and cases assigned to it by the Chief.	<b>PARTIAL COMPLIANCE</b>
<b>112</b>	Composition of FIT Team.	<b>OPERATIONAL COMPLIANCE</b>
<b>113</b>	“FIT members will receive FIT-specific training that is adequate in quality, quantity, scope, and type” on a host of specific, expressly-listed topics both initially and annually thereafter.	<b>OPERATIONAL COMPLIANCE</b>



PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
114	"CDP will identify, assign, and train personnel for the FIT to fulfill the requirements of this Agreement."	OPERATIONAL COMPLIANCE
115	Response of FIT to use of force scenes. FIT notification of prosecutor's office. Notification of designated outside agency to conduct criminal investigation if City elects to use external agency for such investigations.	OPERATIONAL COMPLIANCE
116	"CDP will develop and implement policies to ensure that, where an outside agency conducts the criminal investigation, FIT conducts a concurrent and thorough administrative investigation."	PARTIAL COMPLIANCE
117	Memorandum of understanding required between CDP and outside agency containing specific, expressly-listed provisions.	OPERATIONAL COMPLIANCE
118	Setting forth various, specific, and expressly-listed responsibilities of FIT during its investigations.	PARTIAL COMPLIANCE
119	N/A	N/A
120	Providing for delay of compelled interview if "case has the potential to proceed criminally" but otherwise requiring that "[n]o other part of the investigation . . . be held in abeyance" unless "specifically authorized by the Chief" in consultation with investigating agency and prosecutor's office.	PARTIAL COMPLIANCE
121	Requiring completion of preliminary report presented to Chief or Chief's designee "as soon as possible, but absent exigent circumstances, no later than 24 hours after learning of the use of force."	PARTIAL COMPLIANCE
122	Completion of investigation within 60 days. Preparation of FIT investigation report. Review of FIT investigative report by head of Internal Affairs who "will approve or disapprove FIT's recommendations, or request . . . additional investigation."	NON-COMPLIANCE
123	Revision of FIT Manual to ensure "consisten[cy] with the force principles"	OPERATIONAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
	and several specific, expressly-listed provisions.	
<b>124</b>	“The City will develop and implement a Force Review Board “to serve as a quality control mechanism for uses of force and force investigations, and to appraise use of force incidents from a tactics, training, policy, and agency improvement perspective.”	<b>OPERATIONAL COMPLIANCE</b>
<b>125</b>	Requiring “training on legal updates, updates on CDP’s policies, and CDP training curriculum related to the use of force” for each member.	<b>PARTIAL COMPLIANCE</b>
<b>126</b>	Mandating “comprehensive and reliable reviews of investigations within 90 days of submission to the FRB,” and encompassing officer’s decision-making at the moment force was used as well as “the circumstances leading up to the use of force, tactical decisions, information sharing and communication, adequacy of supervision, equipment, training, CDP’s medical response, when applicable, and any commendable actions” and actions and inactions of all involved members.	<b>PARTIAL COMPLIANCE</b>
<b>127</b>	Description of reviews, which will: ensure objective and complete investigations and findings supported by preponderance of the evidence; be presented by the investigator or District representative (for supervisors); review written records and discuss the case with the presenter; order additional investigation when needed; determine whether the case raises concerns about policing, training, equipment, supervision, medical response, communication, or tactics and referral to appropriate unit; recommending non-disciplinary action; and documenting FRB findings and recommendations within 15 days of each presentation.	<b>OPERATIONAL COMPLIANCE</b>
<b>128</b>	“The FRB will assess the quality of the investigations,” including whether they are “objective and comprehensive and	<b>PARTIAL COMPLIANCE</b>

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
	recommendations are supported by a preponderance of evidence. The FRB will identify and document any deficiencies that indicate a need for corrective action”	
<b>129</b>	“Annually, the FRB will examine the data related to use of force” provided by the DACC per ¶261 (and in conjunction with ¶266) “to detect any patterns, trends, and training deficiencies and make recommendations for correction as appropriate” and will provide the analysis to the Monitor.	<b>PARTIAL COMPLIANCE</b>
<b>130</b>	The FRB will work with the DACC to “develop a tracking system to ensure that each of its recommendations has been forwarded to the appropriate personnel. The Chief or his or her designee will ensure that the FRB’s recommendations, including non-disciplinary corrective action, are implemented as appropriate.”	<b>OPERATIONAL COMPLIANCE</b>

## 5. Crisis Intervention

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
<b>131</b>	“CDP will build upon and improve its Crisis Intervention Program” in furtherance of four specific, expressly-listed goals, which “will provide a forum for effective problem solving regarding the interaction between the criminal justice and mental health system and create a context for sustainable change.”	<b>OPERATIONAL COMPLIANCE</b>
<b>132</b>	Establishment of Mental Health Response Advisory Committee (the “Advisory Committee”) “to foster relationships and build support between the police, community, and mental health providers and to help identify problems and develop solutions designed to improve outcomes for individuals in crisis.”	<b>GENERAL COMPLIANCE</b>
<b>133</b>	Composition of Advisory Committee.	<b>GENERAL COMPLIANCE</b>
<b>134</b>	“The Advisory Committee will meet regularly and provide guidance to assist	<b>GENERAL COMPLIANCE</b>

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
	CDP in improving, expanding, and sustaining its Crisis Intervention Program.”	
135	Advisory Committee will conduct an annual “analysis of crisis intervention incidents to determine whether CDP has enough specialized CIT officers, whether it is deploying those officers effectively, and whether specialized CIT officers” and communications “are appropriately responding to people in crisis,” and will also “recommend appropriate changes.”	PARTIAL COMPLIANCE
136	“The Advisory Committee’s reports and recommendations will be provided” to CPC, “be publicly available, and will be posted on the City’s website.”	GENERAL COMPLIANCE
137	CDP will designate a Crisis Intervention Coordinator for specific, expressly-identified purposes.	GENERAL COMPLIANCE
138	“Coordinator will develop and maintain partnerships with program stakeholders and serve as point of contact” and “resource” for other stakeholders.	GENERAL COMPLIANCE
139	“Coordinator will participate in the Advisory Committee and on a regular basis solicit feedback from the mental health community and specialized CIT officers, call-takers, and dispatchers regarding the efficacy of CDP’s Crisis Intervention Program.”	GENERAL COMPLIANCE
140	“Coordinator will be responsible for coordinating implementation of the changes and recommendations made by the Advisory Committee, as appropriate.”	OPERATIONAL COMPLIANCE
141	“Coordinator will be responsible for ensuring the selection of appropriate candidates for designation as specialized CIT officers” and “to ensure that officers, call-takers, and dispatchers are appropriately responding to CIT-related calls.”	PARTIAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
142	“Coordinator will create ways to recognize and honor specialized CIT officers, call-takers, and dispatchers.”	OPERATIONAL COMPLIANCE
143	Initial and annual crisis intervention training to all officers and recruits that is “adequate in quality, quantity, type, and scope.”	GENERAL COMPLIANCE
144	Initial and annual crisis intervention training for dispatchers and call-takers.	GENERAL COMPLIANCE
145	“The City will provide enhanced specialized training in responding to individuals in crisis to certain officers (‘specialized CIT officers’),” who will be “called upon to respond to incidents or calls involving individuals in crisis.”	OPERATIONAL COMPLIANCE
146	Outlining various requirements for the “enhanced training” for specialized CIT officers of “at least 40 hours.”	GENERAL COMPLIANCE
147	Outlining various requirements for the “enhanced training” for specialized CIT officers of “at least 40 hours.”	OPERATIONAL COMPLIANCE
148	Designation of specialized CIT officers, per specific, expressly-listed requirements.	OPERATIONAL COMPLIANCE
149	“Supervisors will identify and encourage qualified officers across all shifts and all Districts to serve as specialized officers.”	OPERATIONAL COMPLIANCE
150	“All Field Training Officers” (“FTO”s) “will receive the enhanced specialized crisis intervention training described in paragraph 146,” though FTOs will “not be designated as a specialized CIT officer” unless they volunteer and have been selected to do so.	OPERATIONAL COMPLIANCE
151	“Specialized CIT officers who are dispatched to an incident involving an individual in crisis will have primary responsibility for the scene,” with supervisors “seek[ing] the input of a specialized CIT officer . . . where it is reasonable for them to do so.”	PARTIAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
152	"[T]he Coordinator will develop an effective specialized crisis intervention plan . . . to ensure that a specialized CIT officer is available to respond to all calls and incidents that appear to involve an individual in crisis" that includes various, specific, expressly-identified requirements. The City "will use its best efforts to ensure that a specialized CIT officer responds to all calls and incidents that appear to involve an individual in crisis."	OPERATIONAL COMPLIANCE
153	City "will consider" crisis intervention program assessment by Ohio Criminal Justice Coordinating Center of Excellence.	GENERAL COMPLIANCE
154	CDP "will revise its policies to make clear that a crisis intervention response may be necessary even in situations where there has been an apparent law violation."	GENERAL COMPLIANCE
155	CDP "will revise its current crisis intervention policy to ensure that specialized CIT officers have appropriate discretion to direct individuals . . . to the health care system, rather than the judicial system . . . where it is appropriate to do so."	GENERAL COMPLIANCE
156	CDP policies and procedures will ensure that "specialized CIT officers . . . must be dispatched to all calls or incidents that appear to involve an individual in crisis." CDP must "track incidents in which a specialized officer was not dispatched to such calls" and "identify any barriers" to ensuring dispatch of specialized CIT officer to such calls.	PARTIAL COMPLIANCE
157	"CDP will track calls and incidents involving individuals in crisis by gathering, at a minimum," specific, expressly-identified data.	OPERATIONAL COMPLIANCE
158	Public reporting of paragraph 157 data and provision to Advisory Committee.	OPERATIONAL COMPLIANCE



PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
<b>159</b>	"The City will utilize" paragraph 157 data "to identify training needs and develop case studies and teaching scenarios" for training and other expressly-identified systemic purposes.	<b>OPERATIONAL COMPLIANCE</b>

## 6. Search and Seizure

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
<b>160</b>	"CDP will revise, develop, and implement search and seizure policies that comply with applicable law, . . . include the requirements below," and conform to expressly-identified principles.	<b>PARTIAL COMPLIANCE</b>
<b>161-165</b>	Policy requirements for officers for stops, searches, and detentions	<b>PARTIAL COMPLIANCE</b>
<b>166</b>	"Officers will immediately notify a supervisor when effectuating a custodial arrest for obstructing official business, resisting arrest, or assault on an officer and no other substantive violation is alleged," and "the supervisor will respond to the scene."	<b>PARTIAL COMPLIANCE</b>
<b>167</b>	"Officers will not use 'canned' or conclusory language without supporting detail in documents or reports documenting investigatory stops, searches, or arrests."	<b>PARTIAL COMPLIANCE</b>
<b>168</b>	"Officers will articulate the justification for an investigatory stop, search, or arrest in a specific and clear manner in their reports." CDP "will train officers" on documenting stops. "Supervisors will review all documentation of investigatory stops, searches, and arrests."	<b>PARTIAL COMPLIANCE</b>
<b>169</b>	Supervisor will review of "each arrest report by officers under their command," with supervisors reviewing reports for specific, expressly-identified deficiencies.	<b>PARTIAL COMPLIANCE</b>
<b>170-172</b>	Supervisory review of investigatory stops, searches, and arrests.	<b>PARTIAL COMPLIANCE</b>

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
<b>173</b>	Provision of “initial training that is adequate in quality, quantity, scope, and type on investigatory stops, searches, and arrests, including the requirements” of the Consent Decree that “will address the requirements of Fourth Amendment and related law, CDP policies,” and specific, expressly-identified topics.	<b>OPERATIONAL COMPLIANCE</b>
<b>174-175</b>	Provision of “annual search and seizure in-service training that is adequate in quality, quantity, type, and scope” incorporating specific, expressly-identified topics.	<b>OPERATIONAL COMPLIANCE</b>

## 7. Accountability

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
<b>176</b>	The City and CDP will ensure that all allegations of officer misconduct, whether internally discovered or alleged by a civilian, are fully, fairly, and efficiently investigated; that all investigative findings are supported by a preponderance of the evidence and documented in writing; and that all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair, consistent, and provides due process.”	<b>PARTIAL COMPLIANCE</b>
<b>177</b>	Internal Affairs will conduct objective, comprehensive, and timely investigations of all internal allegations,” with “findings . . . based on the preponderance of the evidence standard” that must “be clearly delineated in policies, training, and procedures and accompanied by detailed examples to ensure proper application by investigators.	<b>PARTIAL COMPLIANCE</b>
<b>178</b>	Internal Affairs will be headed by a qualified civilian” who “will report directly to the Chief of Police.	<b>OPERATIONAL COMPLIANCE</b>
<b>179</b>	Qualifications for IA investigators.	<b>PARTIAL COMPLIANCE</b>

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
180	Initial training for IA investigators “that is adequate in quality, quantity, scope, and type on conducting misconduct investigations” that addresses specific, expressly- identified topics.	PARTIAL COMPLIANCE
181	[A]nnual training” for IA investigators “that is adequate in quality, quantity, type and scope”	PARTIAL COMPLIANCE
182	In each investigation, Internal Affairs will collect and consider” all evidence. “[N]o automatic preference for an officer’s statement over a non-officer’s statement.” No disregard of a “witnesses’ statement solely because of” connection to the complainant or criminal history. IA investigators must “make all reasonable efforts to resolve material inconsistencies between witness statements.	PARTIAL COMPLIANCE
183	IA “will evaluate all relevant police activity and any evidence of potential misconduct uncovered during the course of the investigation.”	PARTIAL COMPLIANCE
184	IA will not consider guilty plea or verdict as “determinative of whether a CDP officer engaged in misconduct” or justification for “discontinuing the investigation.”	PARTIAL COMPLIANCE
185	IA “will complete its administrative investigations within 30 days from the date it learns of the alleged misconduct.”	PARTIAL COMPLIANCE
186-187	IA investigative report requirements.	PARTIAL COMPLIANCE
188	Forwarding of completed IA investigations “to the officers’ supervisors, the Training Review Committee, the Force Review Board, the Officer Intervention Program, and the Data Collection and Analysis Coordinator.”	PARTIAL COMPLIANCE
189	CDP will require any CDP employee who observes or becomes aware of any” potential misconduct to “report the incident to a supervisor or directly to” IA.	OPERATIONAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
190	CDP will develop a system that allows officers to confidentially and anonymously report potential misconduct by other officers.	OPERATIONAL COMPLIANCE
191	CDP will expressly prohibit all forms of retaliation, discouragement, intimidation, coercion, or adverse action, against any person, civilian or officer, who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct.	OPERATIONAL COMPLIANCE
192	“Officers who retaliate . . . will be subject to the disciplinary process.”	PARTIAL COMPLIANCE
193	OPS investigates “all complaints of misconduct it receives” and will confer with IA “to develop policies and procedures for handling matters over which they both have investigative jurisdiction.”	OPERATIONAL COMPLIANCE
194	The City will ensure that OPS is led by an administrator with the skills, expertise, and experience to effectively manage the intake, tracking, timely, and objective investigation of complaints”; implement PRB training; “assess OPS’s equipment and staffing needs”; and “develop and implement performance standards for OPS.	PARTIAL COMPLIANCE
195-196	Initial training for OPS investigators “adequate in quality, quantity, scope, and type,” including specific, expressly-listed topics.	OPERATIONAL COMPLIANCE
197	OPS Investigators will not be current members of the CDP, and no CDP personnel will have any active role in OPS’s operations.	GENERAL COMPLIANCE
198	The City will ensure that the lawyer representing OPS does not have any actual or apparent conflicts of interest.	OPERATIONAL COMPLIANCE
199	OPS will have its own budget, separate from . . . the Department of Public Safety” that “affords sufficient independence and resources, including sufficient staff and training to meet the terms of this Agreement.	GENERAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
200	Development and implementation of OPS operations manual “made available to the public” that covers specific, expressly-listed topics.	PARTIAL COMPLIANCE
201	Development and implementation of “a program to promote awareness through the Cleveland community about the process for filing complaints with OPS.”	PARTIAL COMPLIANCE
202	CDP and the City will work with the police unions. . . to allow civilian complaints to be submitted to OPS verbally or in writing; in person, by phone, or on line; by a complainant, someone acting on his or her behalf, or anonymously; and with or without a signature from the complainant,” with all “complaints documented in writing.”	GENERAL COMPLIANCE
203	CDP will post and maintain by the intake window at CDP headquarters and all District headquarters a permanent placard describing the civilian complaint process” and containing specific, expressly-listed information.	OPERATIONAL COMPLIANCE
204	CDP will provide training that is adequate in quality, quantity, scope, and type to all police personnel, including dispatchers, to properly handle complaint intake, including with respect to specific, expressly-listed topics.	PARTIAL COMPLIANCE
205	CDP officers “carry complaint forms in their CDP vehicles,” which officers must provide “upon request.” Supervisors will be dispatched to scene when an individual wants to make a complaint, with the supervisor providing a copy of completed complaint form “or a blank form to be completed later by the individual.”	OPERATIONAL COMPLIANCE
206	The City and OPS will make complaint forms and other materials outlining the complaint process and OPS’s contact information available at locations”	OPERATIONAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
	including a number of specific, expressly-listed locations.	
207	OPS's complaint form will not contain any language that could reasonably be construed as discouraging the filing of a complaint, including warnings about the potential criminal consequences for filing false complaints.	GENERAL COMPLIANCE
208	Availability of complaint forms in English and Spanish. "OPS will make every effort to ensure that complainants who speak other languages . . . can file complaints in their preferred language."	OPERATIONAL COMPLIANCE
209	City will ensure that civilian complaints submitted through other existing systems, including the Mayor's Action Center and the Department Action Center, are immediately forwarded to OPS for investigation.	OPERATIONAL COMPLIANCE
210	OPS will establish a centralized electronic numbering and tracking system for all complaints," which "will maintain accurate and reliable data regarding the number, nature, and status of all complaints . . . including investigation timeliness and notification of the interim status and final disposition of the complaint." It "will be used to monitor and maintain appropriate caseloads for OPS investigators.	OPERATIONAL COMPLIANCE
211	Biased policing tracked as a separate category of complaint that "are captured and tracked appropriately, even if the complainant does not so label the allegation."	OPERATIONAL COMPLIANCE
212	[A]llegations of unlawful investigatory stops, searches, or arrests" tracked as a separate category of complaints.	OPERATIONAL COMPLIANCE
213	"[A]llegations of excessive use of force" tracked as separate category of complaints.	OPERATIONAL COMPLIANCE
214	OPS will conduct regular assessments of the types of complaints being received to identify and assess potential problematic patterns and trends.	PARTIAL COMPLIANCE



PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
215	OPS will produce, at least annually, a public report summarizing complaint trends, including” with respect several specific, expressly-identified areas.	PARTIAL COMPLIANCE
216	Assignment of complaints to Standard and Complex investigatory tracks.	OPERATIONAL COMPLIANCE
217	Dismissal and/or administrative dismissal of complaint investigations.	OPERATIONAL COMPLIANCE
218	The City will ensure that investigations of complaints are as thorough as necessary to reach reliable and complete findings that are supported by the preponderance of the evidence.	PARTIAL COMPLIANCE
219	“CDP will ensure that OPS has timely access to all reports related to the incident . . .,” and authority of OPS “to conduct additional investigation” of any complaint of police misconduct when CDP investigation has already taken place relating to the incident.	PARTIAL COMPLIANCE
220	OPS investigators will attempt to interview each complainant in person” and record the interview.	OPERATIONAL COMPLIANCE
221	“The Chief will order officers who witnessed or participate in an incident that is the subject of an OPS complaint to cooperate with the OPS investigation,” including by responding to written questions or sitting for an in-person interview.	GENERAL COMPLIANCE
222	OPS investigators will have access to any relevant disciplinary information in the record of an officer who is the subject of a current investigation.”	PARTIAL COMPLIANCE
223	“OPS will consider all relevant evidence,” with no preferences for particular witness’s statements, including of officer over a non-officer, or because of connection to complainant or criminal history. “OPS will make all reasonable efforts to resolve material inconsistencies between witness statements.”	PARTIAL COMPLIANCE
224	OPS findings categories.	OPERATIONAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
225	“OPS will document in writing the investigation of each complaint, including all investigatory steps taken, and OPS’s findings and conclusions,” which must “be supported by a preponderance of the evidence.	GENERAL COMPLIANCE
226	In addition to determining whether an officer committed the conduct alleged in the complaint and whether it violated policy, OPS may consider whether: (a) the police action was in compliance with training and legal standards; (b) the incident indicates a need for additional training, counseling, or other corrective measures; and (c) the incident suggests that CDP should revise its policies, strategies, tactics, or training. OPS may include recommendations on these topics in its investigation.	PARTIAL COMPLIANCE
227	OPS will forward all investigations and its written conclusions to PRB in sufficient time for PRB to consider them no later than the second regularly scheduled PRB meeting following completion of the investigation.	PARTIAL COMPLIANCE
228	“OPS will send periodic written updates” to the complainant at specific, expressly- identified junctures.	OPERATIONAL COMPLIANCE
229	“[A] complainant may contact OPS at any time to determine the status of his/her complaint.”	OPERATIONAL COMPLIANCE
230	“Mayor will work with the City Council to develop an ordinance to place a Charter Amendment on the ballot” addressing PRB composition and appointment process.	GENERAL COMPLIANCE
231	“PRB members will not be current or former members of the CDP.”	GENERAL COMPLIANCE
232	“PRB will have its own budget,” overseen by OPS Administrator and separate from Department of Public Safety, that “affords sufficient independence and resources.”	OPERATIONAL COMPLIANCE
233-234	Initial training for PRB members “that is adequate in quality, quantity, scope,	PARTIAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
	and type” and that covers specific, expressly-identified topics.	
235	PRB meetings open to the public and posted in advance, with “case presentations and PRB votes” occurring during “open session.”	GENERAL COMPLIANCE
236	“OPS investigators will attend PRB meetings at which their investigations are being considered and present their findings . . . .” PRB may “ask the investigator to conduct further investigation” as necessary.	GENERAL COMPLIANCE
237	“PRB recommended dispositions will be based on a preponderance of the evidence. For each case, PRB shall set forth its conclusion and an explanation of its reasons and supporting evidence in writing, including, when applicable, the justification for departing from OPS’s recommended disposition.”	PARTIAL COMPLIANCE
238	“In cases where PRB is recommending a sustained disposition, in whole or in part, PRB will include a recommendation as to disciplinary or non-disciplinary corrective action.”	OPERATIONAL COMPLIANCE
239	[Timely] forwarding of PRB recommendations to Chief of Police and Director of Public Safety.	PARTIAL COMPLIANCE
240	“The Chief of CDP will issue a General Police Order that requires officers to (a) cooperate with the Internal Affairs and OPS investigators; and (b) submit all relevant evidence to the investigators such that it is available for consideration by Internal Affairs or PRB.”	GENERAL COMPLIANCE
241	Disciplinary hearing requirement, with officer given “opportunity to testify” and suspension of hearing if “officer provides new or additional evidence at hearing,” with matter “returned to IA or PRB for consideration.”	PARTIAL COMPLIANCE
242	Disciplinary recommendations by PRB to proceed through the City’s disciplinary process. Written justification by Chief or Director of their	OPERATIONAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
	disagreement with PRB's recommendations.	
243	"CDP will track the number of instances in which the Chief or the Director of Public Safety rejects, in whole or in part, PRB's recommended disposition."	OPERATIONAL COMPLIANCE
245	"The City will ensure that discipline for sustained allegations of misconduct comports with due process, and is consistently applied, fair, and based on the nature of the allegation, and that mitigating and aggravating factors are identified and consistently applied and documented."	PARTIAL COMPLIANCE
246	"[T]he City will review its current matrix and will seek to amend it" "to ensure consistency" and inclusion of a number of specific, expressly-identified features.	OPERATIONAL COMPLIANCE
247	"All disciplinary decisions will be documented in writing."	GENERAL COMPLIANCE
248	"[T]he City will provide its disciplinary matrix to the PRB, Commission, the Police Inspector General, and the police unions for comment."	OPERATIONAL COMPLIANCE
249	"CDP will work with the unions to allow for sustained disciplinary findings to stay in an officer's record for ten years."	PARTIAL COMPLIANCE

## 8. Transparency and Oversight

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
250	"The City will hire an individual or individuals with significant experience in law enforcement practices and civil rights law to serve as a Police Inspector General" ("IG"). City must seek CPC's "input in developing minimum qualifications and experience" for IG.	NON-COMPLIANCE
251	IG work in Office of Mayor but report to Chief of Police.	PARTIAL COMPLIANCE
252	IG "will not be a current or former employee of CDP."	PARTIAL COMPLIANCE
253	Duties and authority of IG.	PARTIAL COMPLIANCE
254	Duties and authority of IG to "conduct investigations, analyze trends, and make	PARTIAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
	reports and recommendations, as appropriate, at the request of the Chief of CDP or the Mayor.”	
<b>255</b>	Budget of IG must be “a separate line item” in City budget and “afford[] sufficient independence and resources” to comply with Consent Decree.	<b>PARTIAL COMPLIANCE</b>
<b>256</b>	IG “will have access to all documents and data necessary to perform the above functions, including any raw data.”	<b>NON-COMPLIANCE</b>
<b>257</b>	“CDP will collect and maintain all data and records necessary to accurately evaluate its use of force practices and search and seizure practices and facilitate transparency and, as permitted by law, broad access to information related to CDP’s decision making and activities. To achieve this outcome, CDP will designate an individual or individuals as the ‘Data Collection and Analysis Coordinator.’”	<b>OPERATIONAL COMPLIANCE</b>
<b>258</b>	Coordinator “will ensure the collection and tracking of all documents related to uses of force and allegations of misconduct and related materials,” including specific, expressly-listed materials and information.	<b>OPERATIONAL COMPLIANCE</b>
<b>259</b>	Coordinator “will ensure the creation and maintenance of a reliable and accurate electronic system to track all data derived from force-related documents,” including specific, expressly-identified data.	<b>GENERAL COMPLIANCE</b>
<b>260</b>	Coordinator “will ensure the creation and maintenance of a reliable and accurate electronic system to track data on all vehicle stops, investigatory stops, and searches, whether or not they result in an arrest or issuance of a summons or citation.” The system must conform to a number of specific, expressly-identified requirements.	<b>OPERATIONAL COMPLIANCE</b>
<b>261</b>	Coordinator must “routine[ly] report[] . . . relevant data to the Chief of Police,	<b>PARTIAL COMPLIANCE</b>

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
	FRB, Training Review Committee, OPS, the [Community Police] Commission, and the Police Inspector General.”	
262	Coordinator “responsible for the annual assessment of forms and data collection systems to improve the accuracy and reliability of data collection.”	OPERATIONAL COMPLIANCE
263	Coordinator “will develop a protocol to accurately analyze the data collected and allow for” various outcome measurements, “subject to the review and approval of the Monitor and DOJ.”	OPERATIONAL COMPLIANCE
264	Annually, “CDP will conduct an assessment and issue a report summarizing its investigatory stop, search, and arrest data” that addresses various specific, expressly-identified topics.	PARTIAL COMPLIANCE
265	Annually, “CDP will conduct an assessment and issue a report of all activities, including use of force, arrests, motor vehicles and investigatory stops, and misconduct complaints alleging discrimination, to determine whether CDP’s activities are applied or administered in a way that discriminates against individuals on the basis of race” or other listed prohibited classes or characteristics, and that addresses various specific, expressly-identified topics.	NON-COMPLIANCE
266	Annual analysis of “prior year’s force” data with FRB.	PARTIAL COMPLIANCE
267	[A]ll CDP audits, reports, and outcome analyses related to the implementation” of the Consent Decree will be public.	PARTIAL COMPLIANCE
268	“CDP will post its policies and procedures, training plans, community policing initiatives, community meeting schedules, budgets, and internal audit reports on its website.”	PARTIAL COMPLIANCE

## 9. Officer Assistance and Support



PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
269	"The City will ensure that officers receive adequate training to understand: (a) how to police effectively and safely in accordance with CDP policy; [and] (b) the requirements of this Agreement, Ohio law, and the Constitution and laws of the United States," including in the areas of "procedural justice, bias-free policing, and community policing."	PARTIAL COMPLIANCE
270	"CDP will expand the scope and membership of the Training Review Committee."	OPERATIONAL COMPLIANCE
271	"[T]he Training Review Committee will develop a written training plan for CDP's recruit academy, probationary field training, and in-service training" that addresses a host of specific, expressly-identified issues.	PARTIAL COMPLIANCE
272	"The Training Plan need not apply to personnel in the Communication Control Section."	OPERATIONAL COMPLIANCE
273	"The Training Plan and schedule will be implemented once any objections have been resolved" on a yearly basis.	OPERATIONAL COMPLIANCE
274	"The City, including the Training Review Committee, will annually review and update CDP's training plan" by "conduct[ing] a needs assessment" that addresses a number of specific, expressly-identified data and information on real-world trends, needs, policy, and law.	OPERATIONAL COMPLIANCE
275	"CDP's Commander responsible for training" will be in charge of "all CDP training."	PARTIAL COMPLIANCE
276	"CDP will designate a single training coordinator in each District. The Commander responsible for training will establish and maintain communications with each District training coordinator to ensure that all officers complete training as required and that documentation of training is provided to the" training Commander.	PARTIAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
277	"CDP will develop recruit academy and in-service curricula that comport with" the Training Plan and Consent Decree requirements.	PARTIAL COMPLIANCE
278	N/A	N/A
279	"For all other substantive updates or revisions to policy or procedure, the City will ensure and document that all relevant CDP personnel have received and read the policy or procedure. Notification of each revision or update will include the rationale for policy changes and the difference between the old and updated policy."	PARTIAL COMPLIANCE
280	Training Commander reviews all training materials; ensures that they use "a variety of adult learning techniques, scenario-based training, and problem-solving practices"; and "ensure that all curricula, lesson plans, instructor's qualifications, and testing materials are reviewed by the Training Review Committee."	PARTIAL COMPLIANCE
281	"CDP will ensure that instructors are qualified and use only curricula and lesson plans that have been approved by the" Training Commander.	PARTIAL COMPLIANCE
282	"CDP will revise, as necessary, its field training program for graduates of the police academy to comport with" the Training Plan and Consent Decree.	NON-COMPLIANCE
283	"The field training program will incorporate community and problem-oriented policing principles, and problem-based learning methods."	NON-COMPLIANCE
284	Review and revision of Field Training Officer ("FTO") "participation policy to establish and implement a program that effectively attracts the best FTO candidates" and "revise eligibility criteria" for FTOs.	NON-COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
285	New FTOs and Field Training Sergeants must “receive initial and in-service training that is adequate in quality, quantity, scope, and type, and that addresses” a number of specific, expressly-listed topics and conforms to a number of additional features or requirements.	NON-COMPLIANCE
286	“CDP will create a mechanism for recruits to provide confidential feedback regarding the quality of their field training,” and the Division “will document its response, including the rationale behind any responsive action taken or decision to take no action.”	NON-COMPLIANCE
287	“The City and the Training Review Committee will, on an annual basis, analyze all aspects of CDP’s FTO program,” “consider emerging national policing practices in this area,” and “recommend, and CDP will institute, appropriate changes to policies, procedures, and training related to its FTO program.”	NON-COMPLIANCE
288	“CDP will document all training provided to or received by CDP officers,” with officers “sign[ing] an acknowledgement of attendance or digitally acknowledge[ing] completion of each training course,” which “will be maintained in a format that allows for analysis by training type, training date, training source, and by individual officer name.”	PARTIAL COMPLIANCE
289	“CDP will develop and implement a system that will allow the Training Section to electronically track, maintain, and produce complete and accurate records of current curricula, lesson plans, training delivered, and other training materials in a centralized electronic file system.”	OPERATIONAL COMPLIANCE
290	“The City will develop and implement accountability measures . . . to ensure that all officers successfully complete all	PARTIAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
	required training programs in a timely manner.”	
291	“The City will implement” paragraphs regarding equipment and resources in order to allow implementation of the Consent Decree “and to allow officers to perform their jobs safely, effectively, and efficiently.”	PARTIAL COMPLIANCE
292	“CDP will complete a comprehensive equipment and resource study to assess its current needs and priorities,” and it “will develop an effective, comprehensive Equipment and Resource Plan that is consistent with its mission and that will allow it to satisfy the requirements of this Agreement.”	GENERAL COMPLIANCE
293	“CDP’s Equipment and Resource Plan will provide for necessary equipment including, at least” “an adequate number of computers”; “an adequate number of operable and safe zone cars”; “zone cards with reliable, functioning computers that provide officers with up-to-date technology” including computer-aided dispatch, the records management system, and various core law enforcement systems; and “zone cars equipped with first-aid kits.” “This plan also will ensure that CDP properly maintains and seeks to continuously improve upon existing equipment and technology; and is appropriately identifying equipment needs and seeking to utilize, as appropriate, emerging technologies.”	OPERATIONAL COMPLIANCE
294	“CDP will actively seek input and feedback from the Commission, patrol officers, and supervisors regarding resource allocation, equipment needs, and technological improvements.”	PARTIAL COMPLIANCE
295	“City and CDP” must “us[e] best efforts to implement the Equipment and Resource Plan as required.”	OPERATIONAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
296	"CDP will . . . implement an effective, centralized records management system."	OPERATIONAL COMPLIANCE
297	"CDP will utilize a department-wide e-mail system to improve communication and information sharing."	OPERATIONAL COMPLIANCE
298	"CDP will employ information technology professionals who are trained to conduct crime and intelligence analysis, who are capable of troubleshooting and maintaining information technology systems and who can identify and suggest appropriate technological advancements."	OPERATIONAL COMPLIANCE
299	"CDP will implement an effective employee assistance program that provides officers ready access to the mental health and support resources necessary to facilitate effective and constitutional policing."	PARTIAL COMPLIANCE
300	"The City will review and revise . . . its recruitment and hiring program to ensure that CDP successfully attracts and hires a diverse group of qualified individuals."	OPERATIONAL COMPLIANCE
301	"The Mayor will work with the City Council to develop an ordinance to place a Charter Amendment on the ballot that would give the appointing authority greater flexibility in the selection of candidates from the certified eligibility list for the CDP."	GENERAL COMPLIANCE
302	"CDP will 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" and meets certain specific, expressly-listed requirements.	OPERATIONAL COMPLIANCE
303	"The City will implement the recruitment plan within 60 days of it being approved by the Monitor."	OPERATIONAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
304	"CDP's recruitment plan will include specific strategies for attracting a diverse group of applicants," including officers with various, specific, expressly-listed skills and backgrounds.	PARTIAL COMPLIANCE
305	"In developing and implementing its recruitment plan, CDP will consult with the [Community Police] Commission and other community stakeholders on strategies to attract a diverse pool of applicants."	PARTIAL COMPLIANCE
306	"[O]bjective system for hiring and selecting recruits" that "employs reliable and valid selection criteria."	PARTIAL COMPLIANCE
307	"CDP will report annually to the public its recruiting activities and outcomes," which will include information on various, expressly-listed areas.	OPERATIONAL COMPLIANCE
308	"[A]ll candidates for sworn personnel positions" will have "psychological and medical examination" and be subject to "drug testing." Existing officers receive "random drug testing."	GENERAL COMPLIANCE
309	"CDP will conduct thorough, objective, and timely background investigations of candidates for sworn positions" that cover various, expressly-listed topics.	PARTIAL COMPLIANCE
310	"CDP will request to review personnel files from candidates' previous employment and, where possible, will speak with the candidate's supervisor(s)" and maintain any "salient information . . . in candidate's file."	OPERATIONAL COMPLIANCE
311	"If a candidate has previous law enforcement experience, CDP will complete a thorough, objective, and timely pre-employment investigation" addressing various expressly-identified things.	PARTIAL COMPLIANCE
312	"CDP will ensure that officers who police professionally and effectively are recognized through the performance evaluation process" and "are identified and receive appropriate consideration for performance." Likewise, "poor	NON-COMPLIANCE



PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
	performance” must be “reflected in officer evaluations.”	
313	“The City will develop and implement fair and consistent practices to accurately evaluate officer performance in areas related to integrity, community policing, and critical police functions, on both an ongoing and annual basis.”	NON-COMPLIANCE
314–315	CDP will use “a formalized system documenting the annual performance evaluations of each officer by the officer’s direct supervisor,” including an assessment of several expressly-listed areas. “Supervisors will meet with the employee whose performance is being evaluated to discuss the evaluation.”	NON-COMPLIANCE
316	“CDP will hold supervisors of all ranks accountable for conducting timely, accurate, and complete performance evaluations of their subordinates.”	NON-COMPLIANCE
317	“The City will develop and implement fair and consistent promotion practices that comport with the requirements of this Agreement and result in the promotion of officers who are effective and professional.”	NON-COMPLIANCE
318	In considering promotion, “appointing authority will consider” specific, expressly- listed “factors.”	NON-COMPLIANCE
319	“CDP will complete a comprehensive staffing study to assess the appropriate number of sworn and civilian personnel to perform the functions necessary for CDP to fulfill its mission and satisfy the requirements of the” Consent Decree. / “CDP will develop an effective, comprehensive Staffing Plan that is consistent with its mission, including community and problem-oriented policing, and that will allow CDP to meet the requirements of” the Consent Decree.	OPERATIONAL COMPLIANCE
320	Requirements of CDP Staffing Plan.	PARTIAL COMPLIANCE
321	“The City and CDP will employ best efforts to implement the Staffing Plan	PARTIAL COMPLIANCE

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
	over the period of time set forth in the approved plan.”	

## 10. Supervision

PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
322	“CDP will ensure that first line supervisors provide close and effective supervision of officers” in a number of express, specifically-identified ways.	PARTIAL COMPLIANCE
323	“CDP will develop and implement supervisory training for all new and current supervisors” that is “adequate in quality, quantity, type, and scope, and will include” a number of specific, expressly-listed topics.	PARTIAL COMPLIANCE
324	“Thereafter all sworn supervisors will receive adequate in-service management training.”	PARTIAL COMPLIANCE
325	“CDP will hold supervisors directly accountable for the quality and effectiveness of their supervision, including whether supervisors identify and effectively respond to misconduct and ensure that officers effectively engage with the community.”	PARTIAL COMPLIANCE
326	CDP “will create a plan to modify its Officer Intervention Program (‘OIP’) to enhance its effectiveness as a management tool to promote supervisory awareness and proactive identification of potentially problematic behavior among officers.	NON-COMPLIANCE
327	“CDP supervisors will regularly use OIP data to evaluate the performance of CDP officers across all ranks, units, and shifts.”	NON-COMPLIANCE
328	“The OIP will include a computerized relational database that will be used to collect, maintain, integrate, and retrieve data department-wide” in a number of specific, expressly-identified areas.	NON-COMPLIANCE
329	“CDP will set threshold levels for each OIP indicator that will trigger a formal review, and the thresholds will allow for	NON-COMPLIANCE



PARAGRAPH	DESCRIPTION	STATUS OF COMPLIANCE
	peer-group comparisons between officers with similar assignments and duties.”	
<b>330-336</b>	Additional express requirements of OIP.	<b>NON-COMPLIANCE</b>
<b>337</b>	“If CDP chooses to use body worn cameras, CDP will provide clear guidance and training on their use, and will implement protocols for testing equipment and preservation of recordings to foster transparency, increase accountability, and build trust, while protecting the privacy rights of individuals.”	<b>OPERATIONAL COMPLIANCE</b>
<b>338</b>	“Supervisors will review recordings related to any incident involving at least a Level 2 or 3 use of force; injuries to officers; and in conjunction with any other supervisory investigation.”	<b>OPERATIONAL COMPLIANCE</b>
<b>339</b>	“Supervisors will conduct adequate random and directed audits of body worn camera recordings” and “incorporate the knowledge gained from this review into their ongoing evaluation and supervision of officers.”	<b>PARTIAL COMPLIANCE</b>
<b>340</b>	“Officers will be subject to the disciplinary process for intentional or otherwise unjustified failure to activate body worn cameras in violation of CDP policy.”	<b>OPERATIONAL COMPLIANCE</b>

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