

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:15-CV-01046
)	
Plaintiff,)	
)	JUDGE SOLOMON OLIVER, JR.
vs.)	
)	
CITY OF CLEVELAND,)	
)	<u>CITY OF CLEVELAND'S</u>
Defendant.)	<u>TENTH STATUS REPORT</u>

I. Introduction

The Consent Decree establishes at Section 387 provides that on a semi-annual basis the City is to file a status report with the Court that:

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

II. Monitor's Ninth Semi-annual Report

The Monitor Team's Ninth Semiannual Report ("Ninth Report") (Dkt. 345) was bifurcated into two distinct sections. The first part of the report reviewed the demonstration and events of May 30, 2020 to June 12, 2020 with a "focused look at the CDP's overall response to the demonstration and crowd management needs that emerged in late May." (Dkt. 345, p. 1).

The City has previously addressed the first part of the Monitor's Ninth Report by way of the "City of Cleveland's Filing concerning the Events of May 30 Addressed in the

Monitor's Ninth Semiannual Report." (Dkt. 346). Included with the City's responsive filing was a copy of the CDP's "May 30 Civil Unrest After-Action Review." (Dkt. 346-1). The City also attached two additional documents that provided CDP's responses to issues addressed in the Ninth Report regarding civil unrest last summer. These included (1) a summary of actions taken by CDP with regard to recommendations contained in CDP's AAR to address identified improvements (Dkt. 346-2) and (2) responses to selected comments and concerns included in the Ninth Report (Dkt. 346-3). The events of May 30, 2020 and the issues raised by the Monitor were further addressed by the City, Monitor Team, the Department of Justice, at a public status conference conducted by the Court on February 24, 2021.

The second part of the Monitor's Ninth Report provided an "update on the progress of the City of Cleveland toward achieving compliance with the Consent Decree." (Dkt. 345, p. 2). With a major focus of the Ninth Report being dedicated to the Monitor's review of the May 30 – June 12 demonstrations, the Monitor identified that the second section of the report was "somewhat truncated from past reports." (*Id.*). The City's Tenth Status Report filed herein addresses the ongoing efforts to achieve compliance with the Consent Decree, with a focus on data collection activities.

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

The City reports on events in the following order:

- A. Community Engagement
- B. Use of Force,
- C. Crisis Intervention,
- D. Recruitment
- E. Accountability
- F. Equipment and Resources,

- G. Data Collection and Analysis/ Compliance and Outcome Assessments and Reporting
- H. Bias Free Policing

A. **Community Engagement**

1. **Cleveland Community Police Commission (“CPC”)**

The Consent Decree provided for the creation of the CPC “[t]o leverage the experience and expertise of the people of Cleveland, and to ensure that CDP recognizes and operates in a manner consistent with cooperative community understanding and engagement.” (Dkt. 7-1, p. 5). The CPC’s mandate as defined in the Consent Decree provides:

- a. to make recommendations to the Chief of Police and the City, including the Mayor and the City Council, on policies and practices related to community and problem-oriented policing, bias-free policing, and police transparency;
- b. to work with the many communities that make up Cleveland for the purpose of developing recommendations for police practices that reflect an understanding of the values and priorities of Cleveland residents; and
- c. to report to the City and community as a whole and to provide transparency on police department reforms.

(*Id.*, Section 15, p. 5).

As was addressed in the City’s Ninth Status Report (Dkt. 329), the City continues to meet and work with the CPC on a regular basis. The goal remains to ensure a Division that serves and protects the community through constitutional policing while reflecting the values and priorities of Cleveland’s communities.

The CPC has recently published its 2020 Annual Report. The report details a variety of projects and interests addressed by the CPC last year and identifies areas of work the Commission plans to engage in going forward. During this reporting period the

CPC initiated its new Leaders of Tomorrow (“LoT”) program with City assistance. The CPC’s LoT work group is made up of twelve Cleveland residents between the ages of 18-26 who will assist the Commission in representing the views of youth and young adults. The LoT group began to meet in January and will work with the CPC over a 24 month period.

During this reporting period the CPC has provided input to the CDP concerning the Division’s ongoing performance management project as the Division addresses objectives to improve its officer performance evaluation review process as agreed to with the Consent Decree. Additionally, the Executive Director of the CPC confers with the CDP on behalf of the Commission as the Division continues to review potential changes and improvements to its approved disciplinary guidance policy.

Two new CDP policies put into place document further successful collaboration: (1) “Interactions with Transgender, Intersex, and Gender Non-Conforming (“TIGN”) Individuals” and (2) “Interactions with Youth.” As was noted by the Monitor at the time the policies were filed with the Court in the reporting period:

[T]hese policies are welcome examples of good collaboration between the CDP and the Community Police Commission. The policies were reviewed by the Monitoring Team, the Department of Justice, and the Community Police Commission over many months, with the majority of substantive feedback incorporated into the final draft policies.

(Dkt. 338, p.2).

2. District Police Committees (“DPC”)

As part of its commitment to community engagement the CDP has long worked with a cross-section of the City’s community members and the City’s Community Relations Board through the District Police Committees (“DPC”) that have been well

established in each of the CDP's five defined districts. The City's DPCs have a long history and were formed to improve community members' relationships with the Cleveland Division of Police and the DPC's work to improve safety throughout the city. Each DPC has two co-chairs, the District Commander and a civilian resident, with a representative from the City's Community Relations Board ("CRB") assisting the co-chairs and the DPCs.

The DPCs meet monthly in each of the five CDP districts and address public safety and other neighborhood issues. DPC meetings are open to all members of the community and provide residents with direct access to the district commander, other members of law enforcement, and community stakeholders. Residents, the Commanders, and officers discuss topics such as crime statistics, strategies to address community issues, upcoming events and initiatives, CDP policy and practices, and other matters as may arise. The interactions are informative and allow officers and the Commander to continuously engage with and learn more about the local communities.

Limits on social interactions during the continuing COVID-19 pandemic have continued to limit direct CDP-community group interactions during the current reporting period. Efforts undertaken to slow the spread of the virus have limited direct community engagement opportunities, with in-person DPC meetings being halted in March 2020. In October the Division and the DPCs were able to reconvene the meetings on-line in a virtual capacity. Working to meet the agreed upon goals set for the DPC's with the Consent Decree is an important area for attention going forward as the CDP works with the City's communities.

3. Community and Problem-Oriented Policing (“CPOP”)

The CPOP Policy establishes “guidelines for officers of the Cleveland Division of Police relative to community engagement and problem solving to provide clarity in regards to the expectations of all members.” (Dkt. 273-1, CPOP Policy).

As noted, health guidelines established during the ongoing COVID-19 pandemic have imposed limitations on many direct personal interactions between officers and community members, which are a contemplated and important element going forward of CDP’s approved CPOP policy. During this limiting period of direct interactions, CDP has continued to work to develop its capabilities to better document the CPOP policy mandated community engagement efforts undertaken by patrol officers. The City’s Data Team has continued to meet with CPOP Review Committee in this regard. Work on finalizing the electronic community engagement data collection forms that will be utilized by patrol officers to document their community engagement efforts under the new policy has remained ongoing. The reader is directed to Section G of this report for further information on data related advances made by the Division in this and other data areas.

B. Use of Force

1. Data

Use of force data is collected and analyzed by CDP in accord with the requirements of Section 259 of the Consent Decree which requires “the creation and maintenance of a reliable and accurate electronic system to track all data derived from force-related documents,” with the specific data to be collected being identified in subparagraphs (a) – (m). (Dkt. 7-1, p. 60).

CDP has continued to progress towards meeting the Consent Decree’s collection

of data requirements. Ongoing progress results from the successful populating of all use of force data fields in “IAPro”, the software program utilized by CDP for storing use of force data, and the ability of the Data Collection and Analysis Coordinator and other data staff to access, download, analyze and report out on the vast majority of these data points. The Data Collection and Analysis Coordinator, Dr. Rania Issa, continues to work directly with CDP’s IAPro administrators to identify inconsistencies and missing fields; with the administrators consistently conducting Quality Assurance on all outgoing use of force reports.

CDP’s release of its 2019 Use of Force Report during the last reporting period was discussed in the City’s previous status report (Dkt. 329). As noted, the 2019 report provided an expansive view of use of force information and showed the strides in data collection and analysis that has now been achieved. It is anticipated that the 2020 Use of Force Report will be released before the City’s next status report.

2. Use of Force Investigation and Review

The Consent Decree establishes requirements addressing CDP supervisory review of uses of force at sections 97 to 109, along with the creation and implementation of a Force Investigation Team (“FIT”) at sections 100 to 123.

(a) Supervisory Review

As was noted in the Monitor’s Notice, “Training for Supervisors occurred during the fall of 2020...” (Dkt 345, p. 75). The Court approved Supervisory Review Policy has now been trained on, with the policy establishing that:

Fair, thorough, timely and objective use of force reviews and investigations shall be conducted by supervisors in Level 1 and Level 2 uses of force. Supervisors shall evaluate attempts to de-escalate, objective reasonableness,

and necessity of actions taken by the officer(s), along with proportionality of force used in relation to the level of resistance encountered. All Level 3 uses of force shall be investigated by the Force Investigation Team (FIT).

(Dkt 309-1, Use of Force Supervisory Reviews and Investigations, p.1).

The required reviews and investigations will occur for the “use [of] any level of force while on duty, off duty (acting in an official capacity within the City of Cleveland) or while working secondary employment.” (Id.). The City’s Ninth Semiannual Status Report provided an overview of the framework and reviewed the progression of supervisory review that will be undertaken under the new policy for all levels of force used by officers. (See Dkt. 329, pp.13-14).

(c) Force Investigation Team (“FIT”)

The Court approved CDP’s Force Investigation Team Manual & General Police Order (“GPO”) on May 1, 2020. (Dkt. 311). The Monitor’s Notice to the Court seeking approval described that the FIT Manual and GPO “create procedures for the review of the most serious (Level 3) uses of force by a dedicated Force Investigation Team that must be specially trained to conduct comprehensive and objective administrative reviews of force incidents.” The Manual establishes a process for selecting team members and establishes the necessary required skill training for each member. (Dkt. 309-2, Pp. 22-24). The makeup of any FIT is not a permanent or stand-alone unit, and each team will be customized for the necessary expertise required for the specific investigation to be undertaken.

Before the now approved governing policy can be fully implemented, however, potential FIT members must receive training on the manual and policy. Much effort has been undertaken by the Division in conjunction with the Monitor Team and DOJ during this reporting period to reach an agreed upon final curriculum to be used for training potential FIT members. Agreement concerning the FIT training curriculum to be used is believed to

be close, and the CDP anticipates final approval and necessary training will begin in the very near future. The Monitor and City should shortly be in a position going forward to address the required training and, thereafter, CDP's initial efforts in using FIT to investigate serious uses of force under the new policy.

(d) Force Review Board ("FRB")

Section 124 of the Consent Decree establishes that the CDP 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." (Dkt. 7-1). The FRB was created to ensure ongoing review and appraisal of CDP use of force investigations and policy.

On June 30, 2020 the Court issued an Order conditionally approving the FRB policy for a period of six (6) months. (Dkt. 317, p. 2). While concluding that the FRB Policy as drafted meets the terms of the Consent Decree, the Monitoring Team recommended that the Court provide for "conditional" approval for a period that would allow the Monitor Team to review and evaluate the initial implementation of the FRB Policy. CDP completed the necessary training necessary for implementing the FRB policy in this most recent reporting period.

Following the training, the FRB conducted its initial meeting to review use of force cases required by the policy. While the Monitor Team has indicated that the team will conduct an audit of the first six-months of the FRB's operations "to assess the Board's ability to fully, fairly, and effectively review force investigations" (Dkt. 345, p. 78), the initial feedback received by CDP following the first convening of the FRB from the Monitor was very positive.

C. Crisis Intervention

The Consent Decree established that the City would build and improve upon CDP's its already existing Crisis Intervention Program, with a focus on (a) assisting individuals in crisis, (b) improving the safety of officers, family members, and other community members, (c) providing a foundation for promoting community and statewide solutions to assist individuals with mental illness, and (d) reducing the need for individuals with mental illness to have further involvement with the criminal justice system. (Dkt. 7-1, see p. 34).

As established with prior status reports, the CDP's efforts in meeting the agreed upon changes in the Crisis Intervention program have been well received. The Monitor's Ninth Report comments that the City and CDP working with the Mental Health Response Advisory Committee ("MHRAC") has continued to demonstrate progress in improving services to those in need through work that has required "significant commitment on the part of the Division, the Alcohol and Drug and Mental Health Services Board (ADAMHS) and the volunteers from the community." (Dkt. 345, p. 78-79). Moreover, "[s]olid progress has been made and many of the key crisis intervention components are nearing completion." (*Id.*, p.79).

1. Crisis Intervention Training ("CIT")

Required annual CIT training for 2020 for both officers and CDP dispatchers was delayed because of COVID-19 pandemic considerations and has been rescheduled and moved to 2021 for completion.

2. Specialized CIT Officers

The Consent Decree also established that CDP is to provide enhanced specialized

Training in responding to individuals in crisis to certain officers who will be identified as “specialized CIT officers.” (Dkt. 7-1, ¶ 145). It was initially planned that two Specialized CIT 40-hour training classes for CDP officers would be conducted in 2020. The initial class was scheduled for completion in April 2020 but had to be cancelled because of limiting issues related to the then developing COVID -19 pandemic. Notwithstanding the pandemic, CDP completed the second class that had been planned for October 2020, with 19 “specialized CIT officers” graduating. As noted in the Monitor’s Ninth Report “[t]he officers in attendance as well as the members of the Department of Justice and Monitoring Team rated this training as outstanding...[and] well received.” (Dkt. 345, p. 80). The CDP has two Specialized CIT officer 40-hour classes scheduled in 2021.

3. 2020 Crisis Intervention Incident Data

Beginning in February 2020 Crisis Intervention data was collected by CDP officers using a new data software collection system – the Brazos system (see Section G for more information). Prior to 2020, such data collection was largely accomplished through use of officer prepared paper reports. The new electronic software data collection system allows for more efficient, comprehensive, and timely reporting and has allowed CDP to eliminate the use of paper reports, while expanding the amount of data received regarding the nature of CDP encounters and the outcomes of such encounters with individuals in crisis.

While the former paper reports prepared by officers documented 2,433 CIT incidents in 2019 (average of 203 incidents per month), to the new electronic reporting system which documented 3,934 CIT incidents in 2020 (average of 328 incidents per month). It is likely the new data collection system when combined with officer training

contributed to the 62 percent increase in the incident numbers reported in 2020. The new Brazos data system and electronic reporting and the expanded data being provided allows for a more immediate, accurate, and detailed amount of information that provides a better understanding of each crisis interaction, while also providing data that allows for a better understanding of the community populations being served by the Division.

The Monitor's Ninth Report documents the positive results of the CDP's Crisis Intervention policy based on what the data being collected shows:

Some key aspects of the new policy are already showing results. Officers are making greater use of EMS when needed, which was one of the goals of the new CDP Crisis Intervention Policy. The arrest rate is very low, as is the injury rate to officers and citizens. The incidents of violence or the presence of weapons is also low, which helps to change the stereotypes that lead to stigma associated with behavioral health issues. While confidence in these results will increase as collection rates improve, the preliminary results are very positive.

(Dkt 345, p. 81).

D. Recruitment

The Consent Decree requires that CDP “develop a recruitment policy and a strategic recruitment plan that includes clear goals, objectives, and action steps for attracting qualified applicants from a broad cross-section of the community.” (Dkt. 7-1, Section 302). As addressed in prior City reports, the City's approved Recruitment and Hiring Plan established a joint Public Safety Recruitment Team (“PSRT”) that in addition to members from CDP includes representatives from the Department of Public Safety's Division of Fire and Division of Emergency Services. The recruiting activities of the PSRT have been addressed in past reports. The efforts remain wide ranging and ongoing.

Attracting diverse and qualified applicants from the broad cross-section of the community served by the City's safety forces is an important goal across all divisions.

The ongoing, successful efforts of the PSRT in attracting a more diverse field of qualified applicants for CDP are reflected in the make-up of the Division's graduating classes. The City's last report (Dkt. 329) discussed CDP's Academy Classes 144 and 145, classes that began their training in 2019. Class 144 graduated in 2019 with a class that included 49 % women and minorities, with Class 145 graduating in May 2020 with the cadet class being comprised of 55 % women and minorities.

During the current reporting period CDP graduated Academy Class 146 in November, with currently ongoing Academy Class 147 starting that same month. Academy Class 146 class graduated 47 new officers: 21% of whom were women and 46% of whom were minorities. The combined makeup of Class 146 reflected a cadet class that included 54% women and minorities. Academy Class 147 has not yet graduated and includes 35 cadets, 17% of whom are women and 46% of whom are minorities. The class reflects a combined makeup of 51% women and minorities

E. Accountability

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

1. Internal Affairs

CDP's Internal Affairs (“IA”) has now had a little over a year's experience working with its Court approved IA Manual and related IA policies: (A) Retaliation Prohibited, (B) Internal Complaints of Misconduct, and (C) Public Complaints of Misconduct. (See Dkts. 293 and 296, Orders addressing approval). The IA staff now includes nine assigned sergeants and one lieutenant (in addition to the civilian IA

Superintendent), with selection of the officers assigned to the unit requiring strong investigative and writing skills.

As noted in the Monitor's Ninth Report (Dkt. 345, see p. 86) the IA Superintendent provided the Monitor Team last year with a selection of IA case investigations for review. The selected cases represented diverse case circumstances, with CDP's expectation being that the review would provide technical feedback that would assist IA in identifying areas for report improvement, while also assisting IA in the development of future training plans. CDP understands that the Monitor will complete its review in the first quarter of 2021 and will provide a preliminary quality assessment of the reviewed cases before initiating in the latter part of 2021 a more formal qualitative evaluation of IA investigations.

IA continues ongoing efforts to ensure that the timeliness of its investigative reports continues to improve. At the close of 2020, IA had only one case investigation remaining from 2019 with all the rest of the investigations being presented in 2020. IA's efforts document that the unit closed thirty [30] more cases than had been opened in 2020. The Monitor's Ninth Report further recognizes that timeliness has greatly improved from 2018 to the end of 2020, with IA reducing its average investigation completion time from 274 days in 2018 to 68 days in 2020, a drop of over 200 days. (Dkt. 345, p. 86).

2. Discipline

The ongoing COVID-19 pandemic affected the scheduling of discipline hearings going into the current reporting period, with discipline hearings not being conducted for a three month period in the previous reporting period. CDP's Case Preparation Unit has continued to work with the unions (CPPA and FOP) to ensure cooperation in allowing for the

reasonable waiver of strict time requirements where additional time is necessitated by COVID-19 scheduling concerns.

Discipline hearings resumed during the current reporting period. CDP expanded the staffing of the Case Preparation Unit in the prior reporting period. (Dkt. 329). The Unit's continuing experience with the use of upgraded software has allowed increased efficiency, accountability, and tracking of cases throughout the disciplinary process. While the Monitor has again expressed ongoing concerns as to timeliness of the disciplinary hearing process, the Monitor's Ninth Report recognizes that the increased staffing of the Case Preparation Unit has "had a positive impact." (Dkt. 345, p. 96). Hearings going forward should proceed at a quicker pace.

3. Police Inspector General

The Consent Decree at Sections 250-256 (Dkt. 7-1, pp.58-59) established the new position of Inspector General ("IG"). The IG has the authority to conduct investigations, analyze trends, make reports and recommendations, and receive recommendations for inquiries from the Community Police Commission (CPC) as directed through the Chief of Police, the Mayor, or the Director of Public Safety. The City's first appointed IG, Mr. Christopher Viland, recently resigned from the position during the current reporting period to accept appointment as Sheriff for Cuyahoga County.

Former IG Viland's initial activities during his time with the City involved formalizing participation of the new IG office within the daily policy and procedure processes of the Division in order that the IG's office be in a position to review, assess, make recommendations, and issue reports in accord with the terms of the Consent Decree. (See generally Dkt 7-1, p. 58). During his tenure IG Viland prepared a number of

informative and analytical reports on a broad range of CDP related topics. These IG reports (along with other Consent Decree documents) reflect the broad, substantive, and informative role envisioned for the IG. The completed IG reports can be accessed for review on the City's Home website.¹ The broad range of separate detailed reports completed by Mr. Viland includes:

- Familiarization with and Recommendation for IA Pro Software
- Preliminary Review and Recommendation for the Division Disciplinary Processes
- Review of the CDP Training Section 3 Year Training Plan
- Preliminary Review and Recommendations for the Division Data Collection
- Office of the Inspector General Work Plan
- Inspector General Manual
- Review and Analysis of Current Division Use of Force Policy for Compliance
- Review of Officer State Certification Status and Current State Mandated
- Review and Analysis of Current Division Wearable Camera System Policy for Compliance
- Review and Analysis of Current Division Employee Misconduct Investigation Policies for Compliance
- Review and Analysis of Current Division Community and Problem Oriented Policing Policy for Compliance
- Review and Analysis of Current Division Communications Control Section Policy and Training for Compliance
- Recommendations regarding compliance with Presidential Executive Order 13929
- Review and Analysis of Current Division Vehicle Pursuit Policy

The City thanks Mr. Viland for his dedication, hard work, and accomplishments as the first individual to hold the IG position, and wishes him well in his position as the newly appointed Sheriff. The City has now begun its search to fill the vacant IG position.

¹ Consent Decree related documents are posted on the City's website at the following location:

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/PublicSafety/Police/PoliceSettlementAgreement>

The available Consent Decree related documents are identified under the heading "Settlement Agreement Publications". There is an index provided as to the topics being addressed. The IG reports are found under the sub-heading "Inspector General."

4. Office of Professional Standards (“OPS”)

OPS receives and investigates non-criminal complaints filed by members of the community against sworn and non-sworn Cleveland Division of Police employees. OPS investigates non-criminal complaints, makes findings based on its investigations, and provides recommendations to the Civilian Police Review Board (“PRB”) following completion of complaint investigations. As noted in the Monitor’s recent Ninth Report the City had successfully eliminated before the last reporting period a substantial backlog of cases filed with OPS prior to December 2018 that had presented “a continuing barrier to bringing the OPS complaint process into compliance with the Consent Decree.” (Dkt. 345, p. 91).

As with other City agencies, OPS and its investigators continued their work in the current reporting period, though faced with an environment made more complex because of the ongoing COVID-19 pandemic limitations on person to person contacts. Notwithstanding the pandemic, OPS continued to complete its investigative of complaints the agency received during the 2019- March 2021 time period. The following table provides a status of OPS cases that were opened from January 2019 through March 2021:

<u>Time Period</u>	<u>No. of Cases Opened</u>	<u>No. of Cases Completed</u>	<u>Cases Open</u>	<u>Completion Percentage</u>
Jan — Dec 2019	220	206	14	94 %
Jan — Jun 2020	132	88	44	67 %
Jul — Dec 2020	144	65	79	45 %
Jan — Mar 2021	64	13	51	20 %
Total 2019-2021	560	372	188	66 %

Of the 188 open cases, the great majority (130) involve complaints that were

received by OPS in or after July 2020. Any complaint requiring criminal investigation is transferred to Internal Affairs for completion of the necessary investigation into potential criminal conduct.² At the time of this report two (2) of the reflected “Cases Open” have been transferred to Internal Affairs for criminal investigation.

5. Civilian Police Review Board (“PRB”)

The PRB reviews misconduct complaints investigated by OPS at public meetings. Upon making its decisions, the PRB submits its findings and recommendations to the Chief of Police and notifies the complainant of the disposition. The PRB generally meets once a month, with its meetings being conducted on the second Tuesday of each month.

PRB meetings were adapted to the existence of the COVID-19 pandemic in 2020 with the PRB conducting its meetings on line by way of Webex technology, with a live feed made available by the City’s communication facilities to the Community through *youtube.com*. The PRB heard 103 cases in 2020 and has heard 33 cases through March 2021.

F. Equipment and Resources and Staffing

1. Equipment and Resources

A continuing major focus during the current reporting period has been the work of the CDP’s data team and the City’s IT Services with Tyler Technologies to finalize software upgrades for electronic forms used by officers. The nature of the continuing data system upgrades accomplished to date, with a view to the future, are discussed in more

² As noted in Section 193 of the Consent Decree: “The Office of Professional Standards (“OPS”) will investigate all civilian complaints it receives, other than those that allege criminal conduct. All complaints of apparent criminal conduct will be referred to Internal Affairs.” (Dkt. 7-1, p. 47).

detail in Section G, which addresses Data Collection and Analysis.

2. Staffing

As previously noted the CDP's staffing plan is based on a "workload-based model" and was filed with the Court for approval by the Monitor on February 21, 2019. (Dkt. 240). CDP continues to assess implementation of the staffing plan in light of extraordinary conditions associated with the COVID-19 pandemic.

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

Since the last reporting period, the Cleveland Division of Police (CDP) achieved a number of systemic improvements in the area of data collection and analysis, as well as significant advances in how data is shared with and used by key stakeholders.

Achievements made during the reporting period include increased capacity for data collection and reporting in four Consent Decree areas, refinement of a centralized database repository for all Consent Decree areas, development of formal data collection and analysis protocols, and increased data collection technical assistance across multiple CDP departments.

This report is intended to provide a cogent overview of the extensive and multiple areas of ongoing data efforts. The ability to analyze and measure success of CDP efforts through outcome assessment is strongly related to data collection, a key element at this stage of allowing the Monitor Team to measure CDP's compliance with the Consent Decree.

1. Brazos System: Increased Data Collection and Reporting Capacity³

The CDP's Data Team, along with members of the City's Bureau of Compliance and Information Technology Services, has worked closely to finalize direct data entry and collection by way of electronic forms in the Brazos data system. This has allowed for more accurate qualitative and quantitative review of outcome data, trends, and patterns across four areas of the Settlement Agreement:

(a) Crisis Intervention Team (CIT), (b) Community Engagement, (c) Community Problem-Oriented Policing (CPOP), and (d) Search & Seizure.

(a) CIT

In addition to completion of the Mental Health Response Advisory Committee (MHRAC) Annual Report, CIT data analysis findings are shared with the Quality Improvement (QI) Committee members on a monthly basis. CIT data presentations at MHRAC QI meetings facilitate discussions with the purpose of gaining a better understanding of how best to provide services to individuals in crisis. Presentations to the MHRAC QI Committee focus on year-to-year comparisons (e.g., 6-month and annual comparisons for 2020 and 2021), as well as specialized drilldown analyses of topics identified to be of interest to the committee members (e.g., juvenile population, the demographics of CIT clients, etc.). Drilldown analysis findings are presented at monthly MHRAC QI meetings where the data team elicits critical feedback from committee members to inform the focus of subsequent month's drilldown analyses.

³ Brazos is a new system used by CDP that allows officers to enter, manage and report on a number of areas including community engagement, CIT, CPOP and search and seizure.

(b) Community Engagement

CDP has also made progress in the Community Engagement area. Starting in February 2020, officers began utilizing the newly implemented electronic community engagement data collection forms. The Data Team recently began examining the community engagement data and plans to meet with the CPOP Review Committee on a quarterly basis. While necessary restrictions on personal interactions caused by the COVID-19 pandemic have affected full implementation of the recent community engagement policy, community engagement remains an important focus of the Consent Decree. As a part of CDP's effort to utilize data collected regarding community engagement, the Data Team will provide data briefs on a quarterly basis to the Community Relations Unit and each District to monitor community engagement trends occurring between patrol officers and residents.

(c) Community & Problem Oriented Policing (CPOP)

Training of officers regarding the Community and Problem Oriented Policing data entry and collection through the Brazos forms will take place in the next six months and data collection efforts will then track how officers are effectively implementing community policing methods. These forms will be filled out in response to persistent issues within communities resulting from Calls for Service or community engagements with residents. The CPOP forms will track community issues and the steps taken by officers and residents to find a solution to reoccurring problems or issues that affect the community as a whole.

(d) Search and Seizure

The necessary training of officers regarding use Search and Seizure data entry and

collection through their use of the electronic Brazos forms will take place in the next six months. The Data Team will monitor data entry and collection and will be working to establish a baseline through the first year, and thereafter making any changes that prove necessary to improve the collection efforts for analysis.

2. Development of a Centralized Database for Consent Decree Data

With the near completion of Brazos forms, the Cleveland Division of Information Technology Services has constructed a “Data Warehouse,” or a centralized location housing all relevant policing data and information. While the division operates various data collection systems, the data warehouse will function as a comprehensive centralized storage server providing easy access to approved personnel within the division. All data points concerning arrests, calls for service, CIT, Community Engagement, Search and Seizure, and uses of force (“UOF”) will be accessible through the Data Warehouse.

3. Development of Data Cleaning and Analysis Protocols

Given the Brazos system is beginning to provide CDP with regular access to a number of valid and accurate datasets, such as CIT, formal protocols have been implemented to provide detail on a number of the data analytic steps that are necessary to clean, analyze and disseminate all Consent Decree data. First, once a dataset is accessed from the Data Warehouse, it will be subjected to initial quality control measures including cleaning, recoding, and validating. Second, simple frequencies will be performed using variables listed in each dataset’s codebook. Third, frequencies will be reviewed and any data errors will be identified and reconciled. Fourth, any data error patterns and trends will be identified and shared with the appropriate CDP contact to ensure data errors will be minimized going forward. Fifth, the Data Team will merge

datasets using unique variables (e.g., incident number), though understanding that not all data will have to be linked or merged, depending on the outcome in question and the consent decree category. Sixth, the Data Team will identify the types of statistical analyses needed to perform for each of the Consent Decree areas and how often these analyses need to be completed.

The focus and frequency of analyses will vary depending on the need of key CDP stakeholders as well as meeting Consent Decree requirements. As described in a previous section of this report, the Data Team has already started to work closely with several CDP stakeholders to identify analytic needs for Consent Decree areas. The MHRAC QI collaboration is a good example in the Crisis Intervention area of the sharing of initial data analyses findings with CDP stakeholders in order to receive feedback on data trends and further analyses.

Data reporting efforts will begin to become more formalized with the creation of data analysis and reporting calendars for each Consent Decree area. An initial data analysis and reporting calendar was developed for CIT data presented at MHRAC QI meetings during the past reporting period, and this can serve as a model for developing other analysis and reporting calendars. These calendars will serve to organize Consent Decree data analysis and reporting efforts and help move the City towards full compliance with Consent Decree requirements.

The Data Team is working to ensure that data analysis findings are reviewed and discussed at monthly CompStat meetings⁴. These meetings cover a range of topics that

⁴ [Compstat is based on the original CompStat model developed in the early 1990's by the NYPD that includes regularly sharing data findings with command staff and other key

include, but are not limited to, use of force, officer injury data, officer early intervention data, and internal affairs. CompStat meetings provide a close examination of monthly trends, timeliness, and data utilization. Use of force totals were consistent from 2018 to 2019. In 2018, there were 335 use of force incidents and 343 in 2019, a 2% increase. There was a marked decline in use of force incidents from 2019 to 2020, however—260 incidents, a 24% decrease.

Calls for service increased from 2018 to 2019, but then decreased from 2019 to 2020. Arrests consistently declined from 2018 to 2020, overall arrests declined by 41 percent. Arrests when measured as a percentage of calls for service declined from 6.1% in 2018 to 3.7% in 2020. Use of force incidents remain a small percentage of both calls for service and resulting arrests. In 2018 and 2019, use of force incidents made up 0.13 percent of all calls for service and 0.10 percent in 2020. In terms of arrests, use of force incidents made up 2.15 percent of all arrests in 2018, 2.68 percent in 2019, and 2.82 percent in 2020. Since CDP's implementation of three different identifiable groups for identifying uses of force; Level 1 uses of force (the least serious) continue to comprise the majority of all uses of force.

CDP utilizes the data collected by officers in numerous ways, with CDP command staff members being regularly provided with a report containing a list of all open reports division wide. This is extremely useful as a management tool. In terms of timeliness, the average days of completion have consistently improved from 2018 to 2020 across all force levels. In 2018, on average, use of force entries were completed in 114

stakeholders in order to identify potential trends, problems, and need for additional drilldown analyses.]

days compared to 85 days in 2019 and 70 days in 2020.

4. Cross-Department Technical Assistance

The Data Team continues to provide technical assistance to multiple CDP units regarding the collection and analysis of data related to various paragraphs in the Consent Decree.

5. Recruitment

During the past six (6) months, the Data Team has worked closely with the Public Safety Recruitment Team on numerous projects including the examination of Exit Retention Survey results. The data collected is intended to allow the Recruitment Team to improve the various processes being utilized for attracting and retaining officers within the division. The data will be analyzed on a reoccurring basis.

6. Training

The Data Team has also worked with CDP's Training Section. In an effort to improve various training courses, the Data Team analyzed over 1,000 surveys completed by officers after finishing various training programs. The courses included; Bias-Free, Community Engagement Problem-Solving, Crisis Intervention, Search and Seizure, Use of Force, and Pistol, Shotgun and Rifle Training. Such feedback data allows training officers to better capitalize on professionalism, promote critical engagement, and provide realistic scenarios for future programs.

7. Early Intervention Program

The Data Team has met with CDP's Employee Assistance Unit (EAU) to discuss ways of improving data collection in this area. The Data Team is assessing current data

collection mechanisms used by the CDP and will make recommendations on improvement of the tracking of officer referrals for employee assistance.

H. Bias Free Policing

The Consent Decree establishes that CDP “deliver police services with the goal of ensuring that they are equitable, respectful, and free of unlawful bias, in a manner that promotes broad community engagement and confidence in CDP.” (Dkt. 7-1, 35). The CDP approved bias-free policy “provides sufficiently clear guidelines around, among other things: (1) the Division’s expectations for its members around bias-free policing; (2) the principles of procedural justice in police-civilian interactions; and (3) protocols to report bias-based policing.” (Dkt. 186, p. 1).

As noted above in discussing Community Engagement, CDP adopted the following new policies during the current reporting period: (1) “Interactions with Transgender, Intersex, and Gender Non-Conforming (“TIGN”) Individuals” and (2) “Interactions with Youth.” The Monitor recognized in filing these new policies:

[T]hese policies could easily serve as model policies nationally – they are thoughtful, respectful, and attempt to provide practical and sensitive guidance to officers about how to interact and support Cleveland’s TIGN and Youth populations. The Interaction with TIGN Individuals policy specifically requires “that all interactions with TIGN individuals be conducted with courtesy, dignity, and respect which is inherently due to every human being. Members shall safeguard the rights of all people in manner free from bias.” * Similarly, the Interactions with Youth Policy requires “that youth shall be afforded their constitutional and statutory rights when being questioned, searched, detained, or arrested. Youth shall be informed of their rights in an age-appropriate manner, and treated with courtesy, professionalism, dignity, respect, and equality.”

(Dkt. 338, p.2)

CDP has continued to work with the Monitor Team and DOJ in the current reporting period to improve bias-free in-service training with the goal of ensuring the training is both

effective and meeting the requirements of the Consent Decree.

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

Compliance assessment is a major focus at this stage of the Consent Decree. This report provides an expanded Data related section to address and recognize the wide-ranging efforts being undertaken by CDP's Data Team to ensure that all levels of the Division have the ability to collect, understand, and use the multiple arrays of comprehensive data being gathered that are required by the Consent Decree.

This has been a major undertaking, with the City and CDP remaining cognizant that access to accurate and reliable data is a critical component in the Monitor Team's being able to complete the necessary compliance assessment of CDP's efforts to meet the terms of the Consent Decree. CDP has an expanding ability to acquire, analyze, and use a broad spectrum of data. The necessary training of officers to allow for the ongoing documentation and retrieval of accurate and reliable data is proceeding. The City and CDP continue to work with the Monitor and DOJ to ensure the continuing effectiveness of its efforts.

V. Conclusion

As noted in previous reports, most of the new policies, plans, and initial training necessary for complete implementation of the many agreed upon Consent Decree reform goals have now been completed and approved by the Court. Limits on social interactions resulting from restrictive COVID-19 pandemic health considerations and practices have affected CDP's ability over the last year to fully implement approved CPOP and community engagement efforts. The City remains hopeful that as the necessary health related restrictions imposed over the last year recede, that CDP will be in an improved position to document and

demonstrate to the Community the effectiveness of its new policies and commitment to meeting the agreed Consent Decree reforms.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the City of Cleveland's Tenth Status Report was filed electronically on April 5, 2021. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. The Monitor and Department of Justice have been electronically delivered a copy of this filing.

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