

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

UNITED STATES OF AMERICA,	)	CASE NO.: 1:15-CV-01046
	)	
Plaintiff,	)	
	)	JUDGE SOLOMON OLIVER, JR.
vs.	)	
	)	<b><u>MOTION TO APPROVE 2019 BIAS-</u></b>
CITY OF CLEVELAND	)	<b><u>FREE POLICING TRAINING</u></b>
	)	<b><u>CURRICULUM</u></b>
Defendant.	)	
	)	
	)	

Pursuant to Paragraphs 39, 40, and 42 of the Consent Decree and the Fourth Year Monitoring Plan in the above-captioned matter, the City of Cleveland (the “City”), on behalf of the Cleveland Division of Police (“CDP” or “Division”), submitted a proposed curriculum for its 2019 Bias-Free Policing Training (“Proposed Training Curriculum”) to the Monitoring Team, attached hereto as Exhibit A.

The Monitoring Team has carefully reviewed the Proposed Training Curriculum. The Team has determined that the 2019 Bias-Free Policing Training Curriculum provides sufficient guidance for CDP officers to better understand how implicit bias operates, the ways in which biased policing obstructs the goals of procedural justice and legitimacy, and how to minimize the occurrence of biased policing by identifying and managing moments where their decision-making

may be susceptible to errors attributable to implicit bias. The Monitoring Team therefore recommends that the Court approve CDP's Proposed Training Curriculum.

**I. SUMMARY OF CONSENT DECREE REQUIREMENTS REGARDING BIAS-FREE POLICING TRAINING**

Paragraphs 39 and 40 of the Decree require that "CDP will develop training that incorporates the principles of procedural justice and that is designed to ensure that police services are delivered free from bias" and that will include:

- a. "constitutional and other legal requirements related to equal protection and unlawful discrimination, including the requirements of this Agreement;
- b. "strategies, such as problem-oriented policing, procedural justice, and recognizing implicit bias, to avoid conduct that may lead to biased policing or the perception of biased policing;
- c. "historical and cultural systems that perpetuate racial and ethnic profiling;
- d. "identification of racial or ethnic profiling practices, and police practices that have a disparate impact on certain demographic categories;
- e. "self-evaluation strategies to identify racial or ethnic profiling;
- f. "District-level cultural competency training regarding the histories and culture of local immigrant and ethnic communities;
- g. "police and community perspectives related to bias-free policing;
- h. "the protection of civil rights as a central part of the police mission and as essential to effective policing;
- i. "instruction in the data collection protocols required by this Agreement; and
- j. "methods, strategies, and techniques to reduce misunderstanding, conflict, and

complaints due to perceived bias or discrimination.”

Further, CDP must provide “annual in-service training on bias-free policing that is adequate in quality, quantity, type, and scope.” Dkt. 7-1 at ¶ 42.

## **II. PROCEDURAL HISTORY**

After concluding its inaugural year of Bias-Free Policing Training in late 2018, CDP began to work on the curriculum of the Bias-Free Policing Training for officer in-service training in 2019. The City, Division, Department of Justice, and Monitoring Team held a number of meetings discussing observations from the 2018 training, including successes, challenges, and lessons learned.

After working through a series of curriculum drafts, CDP incorporated the final round of feedback from the Department of Justice and Monitoring Team and submitted the Proposed Training Curriculum on July 17, 2019.

## **III. STANDARD OF REVIEW**

The Monitoring Team’s role is to “assess and report whether the requirements” of the Consent Decree “have been implemented.” Dkt. 7-1 at ¶ 351; *accord id.* ¶ at 352 (requiring the Monitor to “review . . . policies, procedures, practices, training curricula, and programs developed and implemented under” the Decree). The task of the Monitoring Team here is to determine whether the Proposed Training Curriculum complies with the Consent Decree’s requirements.

## **IV. ANALYSIS OF THE 2019 BIAS-FREE TRAINING CURRICULUM**

The 2019 Bias-Free Policing Training Curriculum is a four-hour training block that provides a refresher on core concepts from the 2018 Bias-Free Policing Training, such as implicit bias, procedural justice, legitimacy, and cognitive “traps” to which everyone is susceptible.

The training is designed to present concepts that can be difficult to grasp in an accessible fashion, using videos from popular culture as well as law enforcement to provide real-world examples of implicit bias and procedural justice. The training uses class exercises, question-and-answer, and scenarios to keep students engaged.

Importantly, the Proposed Training Curriculum provides ways for officers to defuse the cognitive traps that can draw officers into making biased decisions. The training encourages officers to self-reflect on the kinds of information to which they are being presented in their day-to-day duties, as well as any associated assumptions. The training outlines how traps interfere with officers' personal and professional goals, putting them in danger, decreasing the legitimacy of the Division of Police, and stunting their career development.

As with the 2018 training, the Proposed Training Curriculum does not include "District-level cultural competency training regarding the histories and culture of local immigrant and ethnic communities." Dkt. 7-1 at ¶ 40(f). The Division is currently developing this training at each CDP District.

## **V. CONCLUSION**

The task of the Monitoring Team is to duly consider whether the City's submitted Proposed Training Curriculum satisfies the terms of the Consent Decree. The Monitoring Team concludes that the Proposed Training Curriculum meets the terms of the Consent Decree. The Team looks forward to evaluating the implementation of the curriculum in practice to assess the live instruction of the training, including how instructors are delivering material and actively engaging officers on subjects that sometimes can be difficult to understand. Accordingly, the Monitor approves the 2019 Bias-Free Policing Training Curriculum in its entirety and requests that this Court order it effective immediately.

Respectfully submitted,

/s/ Hassan Aden

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HASSAN ADEN

Monitor

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 22, 2019, I served the foregoing document entitled Motion to Approve 2019 Bias-Free Policing Training Curriculum via the court's ECF system to all counsel of record.

/s/ Ayesha Bell Hardaway  
AYESHA BELL HARDAWAY