

**ACLU OF OHIO REPORT:  
PROGRESS OF CLEVELAND  
CONSENT DECREE REFORM**

*United States v. Cleveland*

U.S. District Court for the Northern District of Ohio  
Case No. 1:15-cv-1046

Updated January 2, 2019

The most recent developments are in **bold text**.

**Introduction**

In 2012, following a series of mass protests against police brutality, the City of Cleveland (“City”) requested that the U.S. Department of Justice (“DOJ”) investigate the policies and practices of the Cleveland Division of Police (“CDP”). The DOJ issued the results of its investigation in a December 4, 2014 letter of findings, concluding: “there is reasonable cause to believe that CDP engages in a pattern or practice of using unreasonable force in violation of the Fourth Amendment.” The letter went on to detail a myriad of “systemic failures” found within CDP.

The DOJ entered into negotiations with the City to resolve these many issues. On May 26, 2015, the DOJ filed its Complaint against the City in federal court in the Northern District of Ohio. The case was assigned to Chief Judge Solomon Oliver. That same day, the DOJ and the City filed an agreement that they had reached to resolve the Complaint. On June 12, 2015, Judge Oliver approved and signed the agreement, making it a “consent decree,” over which the Court retains jurisdiction.

The consent decree outlines a plan for resolving issues surrounding use of force, biased policing, officer training, and accountability for police misconduct, among others. The consent decree also creates new positions and entities including:

- **The Monitor and the Monitoring Team.** This team of local and national experts, led by Matthew Barge (“Monitor”), assesses and reports to the court whether the requirements of the consent decree are being followed, and whether their implementation is resulting in constitutional and effective policing. The Monitor reviews and contributes to almost every facet of the agreement.
- **The Community Police Commission (“CPC”),** which is the conduit between Cleveland residents and the reform process. The CPC was created to “leverage the experience and expertise of the people of Cleveland, and to ensure that the [CDP] recognizes and operates in a manner consistent with cooperative community understanding and engagement.” As the Parties to the consent decree effectuate its mandates, the CPC collects and synthesizes feedback from the community and makes recommendations to the Parties regarding the community’s needs.

The ACLU of Ohio is not a party to the lawsuit. Instead, we define our role in the consent decree process as “the monitor of the Monitor,” an independent watchdog to ensure that the parties adhere to the terms of the decree, incorporate best practices, and ultimately achieve constitutional policing in Cleveland. To these ends, we monitor the activities of, and engage with, the actors directly involved in the execution of the decree.

We maintain contact with the Monitoring Team and the CPC, and have attended meetings held by these groups. We also consult national experts for their views on the consent decree and how the ACLU should proceed in relation to it. In addition to collecting expert advice, we undertake significant and comprehensive research of our own.

We also advise the Monitor about prioritization of specific reform areas. Annually, the Monitor issues a “Monitoring Plan,” a detailed set of deadlines that elaborate upon the consent decree’s general requirements. For the first year’s Plan, the Monitor solicited our advice. On January 26, 2016, we provided that advice in the form of a letter, in which we strongly encouraged him to reform CDP’s search and seizure training and improve the CDP disciplinary matrix.

Over the spring and summer of 2016, the attention demanded by the Republican National Convention hindered the City's ability to meet its deadlines. On November 1, the Monitor released an updated Plan establishing new deadlines from November 2016 through January 2017.

In September 2016, reform began advancing specifically in the areas of use of force, investigation of police misconduct, body cameras, equipment and resources, bias-free policing, and police interactions with individuals in crisis.

On November 2, 2016, we unveiled a new section of our website, [www.ClevelandConsentDecree.org](http://www.ClevelandConsentDecree.org), to serve as a hub for information on the reform process and facilitate community engagement with the consent decree process.

On April 3, 2017, U.S. Attorney General Jeff Sessions ordered the Department of Justice to review all existing consent decrees with police departments nationwide, calling into question whether these reform processes will remain in place. To date, Cleveland's reform process is continuing, and Judge Oliver has made it clear that he intends to continue asserting jurisdiction over the development and implementation of necessary reforms.

On June 12, 2017, following an extended search process, the all-volunteer Community Police Commission (CPC) hired Jason Goodrick, former Director of Emergency Management at Case Western Reserve University, to serve as CPC Executive Director. In this paid position, Goodrick oversees day-to-day operations of the Commission. CPC co-chair Dr. Rhonda Williams left the Commission on May 31, 2017 to relocate to another city. On July 1, Mario Clopton stepped down as CPC co-chair but will remain on the Commission. Two new co-chairs, LaToya Logan and Yvonne Conner, assumed office that same day.

The Monitoring Team releases Semiannual Reports detailing the status of reforms (five to date: June 2, 2016; January 10, 2017; June 13, 2017; January 24, 2018; August 15, 2018)  
The contents of these reports are included below.

On April 6, 2018 CPC executive director Jason Goodrick was placed on paid administrative leave for four weeks for the City to investigate complaints made by staff about “workplace issues and conflicts, including [Goodrick’s] performance.” Goodrick returned to work in early May but the investigation continues. Since Goodrick’s return, the four CPC staff members have resigned.

On June 21, 2018, the Monitor filed in Court a report on officer focus groups conducted in December 2017, which are required by the consent decree. The Monitor observed among officers a perception that a “lack of effective communication regarding CDP efforts to change its policies and processes, entrenched morale issues, and an adversarial relationship between line officers and the administration have tended to hamper the Division’s internal transformation.”

On August 15, 2018 the Court held a status conference to discuss progress to date. At the conference CDP Chief Calvin Williams stated his goal was to complete consent decree requirements by the end of 2020. The Monitor, U.S. Attorney, and City Law Director stated they were committed to completing the thorough reform requirements, regardless of how long it took.

### **Areas of Consent Decree Reform to Date**

*Reform is required and is taking place across many areas simultaneously. A chronological explanation of key developments in each major area of reform is presented below.*

#### **Search and Seizure**

CDP is currently revising its search and seizure policies. After multiple delays it released the revised drafts of these policies on or around September 6, 2018 (originally scheduled for May 2018). The CPC collected community input, including via a working group in which the ACLU of Ohio participated, and on November 15, 2018, released its recommendations for revisions to the policies. That same day we sent a letter to the Monitor and Chief of Police urging them to adopt all of the CPC’s recommendations, particularly those relating to

interactions with juveniles, searches of transgender individuals, and requirements for the instructor providing the training to officers.

CDP is now revising the policies. The Monitor will file the policies in Court, recommending approval or disapproval, in 2019 (originally scheduled for August 2018).

Simultaneously, CDP is drafting a Search and Seizure Training Curriculum.

#### Use of Force and Use of Force Reporting

In September 2016, the City released drafts of its revised use of force policies and later a draft of its revised use of force *reporting* policy. The newly proposed policies were a marked improvement, requiring for the first time that police use of force must be necessary and proportional to the level of resistance encountered, and that officers have a duty to intervene if they see a fellow officer using excessive force. On September 29, 2016, we issued a press release commending the new policies but cautioning that their success would be contingent on appropriate implementation. On October 5 and October 19, 2016, we sent letters to the Monitor with comments on the respective policies. We emphasized that the success of the policies is highly dependent on their implementation, which requires training and accountability structures for officers who violate the policies.

On November 16, 2016, the Monitor filed amended use of force and reporting policies with the court, recommending their approval. At a January 6, 2017 status conference, Judge Oliver approved these policies. On June 1, 2017, the Monitor recommended approval of a use of force training curriculum, stating that it met and, at times, went beyond the consent decree's requirements. Training on the new policies for all officers began in spring 2017 and, per a November 13, 2017 filing by the City, would be completed on December 13, 2017.

Following all-officer training on the revised use of force policies, the policies went into full effect on January 1, 2018. **The Monitor's Fifth Status Report documents that CDP's 2018**

**use of force has decreased, even as crime overall and reports of officer injuries have decreased.**

On January 24, 2018, at the Monitor's recommendation, the Court approved CDP's policies regarding the use of the canine unit.

**The proposed final drafts of the Force Investigation Team ("FIT") policy and manual and the Force Review Board ("FRB") policy were scheduled to be finished and filed in court by August 10, 2018, but they have been delayed. Higher level uses of force may be handled by the FIT Team or by an independent outside agency. After approval of the policies, CDP will begin training the appropriate personnel on FIT investigations and the FRB policy.**

#### Investigation of Officer Misconduct

The investigation and accountability process for officers is another area in which the DOJ found severe "systemic failures." To date, the City has not provided a path toward remedying the grave issues in this area, leaving it to the Monitor to dictate one.

The processing of reports of police misconduct is currently handled by multiple bodies. CDP's Internal Affairs department investigates internally-reported misconduct. The Office of Professional Standards ("OPS") and the Civilian Police Review Board ("CPRB") both process civilian complaints of non-criminal officer misconduct; OPS performs investigations of those complaints, which CPRB then adjudicates. OPS and CPRB, comprised of civilians, are independent from CDP.

In his Fourth Semiannual Report, filed January 24, 2018, the Monitor stated that the City's accountability system "does not seem to be working for anyone," including for CDP members who "at least believe that discipline is arbitrarily imposed through a system...that is a game of chance that can be swayed only by 'who you know' rather than the propriety of performance under scrutiny." In its February 9, 2018 Status Report the City rebutted the Monitor's comments, calling them "incorrect, unfair, and not acceptable." However, we

have no evidence that leads us to view the Monitor's comments as false or undeserved – rather, the opposite.

### Changes to OPS and (C)PRB

In early 2016 the City and the Monitor began working to create operations manuals for OPS and CPRB (formerly the “PRB,” or Police Review Board). These manuals codify, for the first time, the expectations, procedures, and instructions for the operation of each entity.

On June 2, 2016, the Monitoring Team released its first Semi-Annual Report, detailing the progress of reform to that point. The Monitor criticized the “dire” status of the Office of Professional Standards. This report noted that, “as of May 4, 2016, 202 cases from calendar year 2014 and 225 cases from calendar year 2015” remained incomplete.

In August 2016, after extensive recommendations made by the CPC, Cleveland City Council proposed a city charter amendment to restructure the PRB, as required by the consent decree. The City determined that it would not consider the CPC's recommendations to the extent they exceeded the mandates of the consent decree. This meant that the City rejected the CPC's recommendations regarding the *power* of the PRB and only considered recommendations regarding the *makeup* and *appointment* of the PRB. On August 8, 2016, we issued a press release criticizing this decision. Nevertheless, the limited amendment was placed on the ballot for the November 2016 election as Issue 33, and Cleveland voters approved it. The amendment also changed the PRB's name to the *Civilian* Police Review Board (“CPRB”).

On October 26, 2016, we sent the Monitor a letter containing our recommendations for the investigation and adjudication of complaints against police officers by Internal Affairs, the Office of Professional Standards, and the Police Review Board. On November 2, 2016, we held a press conference to discuss these recommendations.

In mid-November 2016, the City proposed final drafts of the newly-created operations manuals for OPS and CPRB, as well as drafts of the 2017 budgets for those bodies. The Monitor

filed the manuals in court on November 29, 2016, recommending approval. On March 6, 2017 Judge Oliver approved the manuals and they became effective on April 6, 2017. On November 30, the Monitor filed the OPS and CPRB budgets in court. He recommended full approval of the CPRB budget, but only recommended approval of the OPS budget for the first quarter of 2017, after which the Monitor wanted to assess whether the backlog of uninvestigated citizen complaints remained, and whether more funding would be needed to address the backlog. We also sent a letter on November 30, 2016, to the Monitor commenting on the budgets, communicating our concern that future staffing and budget adequacy is not guaranteed. The court issued an order accepting the limited approval recommended by the Monitor. As of April 2017, two new permanent investigators and six new temporary investigators had been hired.

On January 10, 2017 the Monitoring Team issued its second Semi-Annual Report. The Monitor again highlighted CDP's continuing failure to investigate and adjudicate civilian complaints, as he had in his first Semiannual Report. The Monitor also criticized the City's failure to develop a plan to eliminate OPS's substantial backlog of civilian complaints. He wrote: "At this point, the Monitoring Team struggles for language sufficiently strong to communicate how unacceptable and appalling the state of OPS as an entity is." The report notes that as of late 2016, 81% of investigations of complaints received in 2016 remained unresolved. The Monitor explained: "[A]ll efforts to date by OPS to outline mechanisms for addressing the backlog have been patently insufficient in all respects and, in form and content, not serious proposals."

On February 1, 2017, OPS submitted a Backlog Reduction Plan to the Monitoring Team.

On March 9, 2017, the Court approved the final versions of the operations manuals for the Office of Professional Standards and the Civilian Police Review Board.

On May 3, 2017, the Monitor filed a notice in court in which he deemed OPS's proposed Backlog Reduction Plan insufficient, and described "the City's ongoing, comprehensive failure to

generate for itself any meaningful approach to ensuring that its residents and officers receive due process in the astounding number of outstanding and unresolved complaint investigations.” After “[d]etermining that further attempts to obtain a plan from the City that would sufficiently operationalize a systematic approach for eliminating the backlog would be futile,” the Monitor created an entirely new plan and asked the Court to approve that instead. The court did not yet rule on the Monitor’s proposal.

At the June 13, 2017 status conference and in its Third Semiannual Report released the same day, the Monitoring Team again stressed the appalling and unacceptable state of OPS and CPRB. The Monitoring Team described the current backlog of cases, the failure of OPS to send out disposition letters to complainants, the failure of OPS to forward sustained findings from CPRB to the Chief of Police to issue discipline, and the sharing of inaccurate information with the Monitoring Team. DOJ and the Monitoring Team continue to provide intensive technical assistance to OPS and CPRB.

On August 30, 2017, the Monitor filed in Court a memo reporting on the yet-unresolved civilian complaints and setting specific milestones for OPS. The memo reported that investigations for 401 complaints from 2014-2017 remained incomplete. It further reported that the Parties agreed that OPS would aim to reduce this number by approximately 50% by December 31, 2017, and would provide bi-weekly reports to the Monitoring Team and the Parties regarding its progress.

On October 18, 2017, the Monitor requested that the Court convene a hearing regarding OPS’s “lack of progress” in reducing the backlog of unresolved complaints. On October 23, the Court set the hearing for November 21 and requested attendance and testimony by Director of Public Safety Michael McGrath and OPS Administrator Damon Scott. We later learned through the media that on October 25, OPS Administrator Damon Scott was “separated” from his position. At the November 21 hearing, the judge ordered the parties to confer and create a new revised plan by December 15, 2017 for eliminating the OPS backlog.

On December 15, 2017, the City filed its revised plan for eliminating the OPS backlog. The filing reported that a total of 378 investigations remained to be completed, over half of which were from 2015 and 2016. The filing committed the City to increase its capacity by hiring additional OPS staff as well as contracting out a portion of the backlogged investigations to a private independent contractor with investigative expertise.

In the Monitoring Team's January 24, 2018 Fourth Semiannual Report the Monitor detailed the many court-ordered milestones OPS had not met – particularly, the inadequate pace of completing investigations and failure to comply with OPS's own policies. At the Court's status conference, also on January 24, the Monitor made similar comments. The City stated it would contract with a private firm to work through the backlog of complaints from 2015, 2016, and 2017. In its Fifth Status Report filed on February 9, 2018, the City said it was finalizing selection of the private firm and would identify it "in short order."

On February 12, 2018, Cleveland City Council approved the hiring of Chicago-based firm Hillard-Heintz to conduct a preliminary review and assessment of the 282 backlogged investigations. Hillard-Heintz's preliminary review rated 216 of the 282 investigations as marginal or poor; those would need to be completely reinvestigated.

Subsequently, the firm entered into the second phase of work: evaluating each case to determine whether sufficient evidence exists to continue investigation. As of the City's December 3, 2018 status report, the firm had found 28 cases in which insufficient evidence existed, and closed those cases; another 196 cases in which sufficient evidence existed, and which would continue to full investigation; and another 9 cases whose investigations were close enough to completion and whose allegations were credible, that OPS recommended sustaining the complaint allegations.

The third and final phase – investigation of the roughly 200 complaints – will begin in early 2019.

**The City and OPS continue to meet weekly with the DOJ and the Monitoring Team regarding OPS. Additionally, the City will submit quarterly updates to the Court on the same.**

In May 2018 OPS hired a new Administrator – Roger Smith, who previously served as executive agency counsel for the New York City Civilian Complaint Review Board – as well as a Senior Investigator – Henry Roney, who retired as Inspector General of the Naval Criminal Investigative Service. OPS is currently finalizing the hiring of a Community Relations Coordinator, and the job description for a Research Analyst. These positions will be in addition to the current eight permanent investigators and two temporary investigators.

**The City continues to partner with Cuyahoga County Community College to provide training to members of OPS and the Civilian Police Review Board (“CPRB”), which adjudicates individuals’ complaints of police misconduct.**

#### Changes to Internal Affairs

In November 2016, CDP created an initial draft of an operations manual for Internal Affairs. In his June 2017 Semi-Annual Report, the Monitor wrote that this draft needed extensive revisions to comply with Consent Decree requirements and best practices. **Work on the manual is ongoing.**

After two rounds of recruitment failed to yield a qualified candidate for a new civilian superintendent of Internal Affairs, CDP requested that the DOJ and Monitoring Team agree to modify the consent decree’s requirements so that former law enforcement officers and officers from departments other than CDP may be considered for the position. Because the delay in hiring has negatively impacted the reform process, the DOJ and the Monitoring Team agreed. On December 27, 2017, the parties filed a joint motion to modify this particular consent decree requirement. In the filing the City stated that it had selected a final candidate. On January 22, 2018, the Court approved the parties’ joint motion.

On February 16, 2018, the City swore in Ronald Bakeman as the Internal Affairs superintendent. Bakeman is a former

federal prosecutor who, according to Cleveland.com, served in the U.S Attorney's Office's organized crime drug enforcement and national security units, and also advised Afghanistan nationals on law and investigations after his retirement in 2011.

**Policies requiring officers' and Internal Affairs' cooperation with OPS investigations were scheduled to be finalized and filed in Court by August 10, 2018, but have been delayed. These policies will mandate (1) the submission of all relevant evidence to OPS investigators, including incident reports, completed Internal Affairs investigations, officer's disciplinary records, and (2) that officers who witnessed or participated in an incident respond to written questions or requests for interviews.**

**The Internal Affairs Superintendent continues work on the Internal Affairs manual and related policies. These policies were scheduled to be filed in court by June 2018 but more work is required.**

The Monitoring Team's initial assessment of Internal Affairs' 2015 investigations found that 53% of the investigations were of fair or poor quality. The Monitoring Team will soon begin assessing the 2018 investigations to evaluate to what extent the unit has improved.

#### Officer Discipline Policy

On March 11, 2017, CDP issued a draft revised Disciplinary Guidance policy, governing discipline for police officer misconduct. The CPC requested our feedback on the draft, so on April 10, 2017 we submitted a letter to the CPC with our recommendations. CDP then began revising its draft in response to the feedback of the CPC, the parties, and the Monitor. On December 20, 2017, the Monitor filed the final policy in Court and recommended its approval. He wrote that the policy was the "product of comprehensive discussion and negotiation" between the DOJ, Monitor, City, and CDP, and represented "substantial progress" toward complying with the consent decree's general discipline requirements. The Monitor requested the Court order the policy effective January 1, 2018. On January 24, 2018, the Court approved the

Disciplinary Guidance policy/matrix, ordering it effective immediately.

### Inspector General

Per the consent decree, CDP is required to create and fill a new position of Inspector General. This person will be responsible for reviewing CDP policies and practices, auditing, conducting investigations, analyzing data for trends, developing recommendations for reform, analyzing OPS investigations for quality, and reviewing imposed discipline. The Inspector General's reports and recommendations must be made public. A new Inspector General began on September 4, 2018.

### Body Cameras

In early 2016, as the City prepared to revise its body camera policy, the Monitoring Team solicited advice from us on the matter. On April 4, 2016 we issued a letter and met with the Monitor to discuss issues including the identification of situations requiring activation or deactivation of the cameras, officer access to recordings, who should be required to wear the cameras, and the retention and public records policies related to the footage.

In November 2016 the City proposed a final draft of its body camera policy. On December 13, 2016, we sent a letter to the Monitor commenting on that policy. We expressed concerns regarding the policy's failure to require cameras be worn while off-duty officers are performing private sector security jobs ("secondary employment"), and the lack of a prohibition against the recording of First Amendment activity, school activities, and activity revealing private health information.

On December 19, 2016, the Monitor filed a motion with the Court recommending only partial approval of the body camera policy, stating that he "could not endorse" the Division's refusal to mandate that officers adhere to the policy when engaged in secondary employment. The Monitor also recommended that the Court neither approve nor reject the policy's section on officer access to camera footage, pending the adoption of forthcoming policies and manuals related to

force and internal investigations. Similarly, he requested that the Court approve the policy without including the section on public access to camera footage, pending the development of a separate policy on public access to CDP information and data in general. On January 5, 2017, the City filed its opposition to the Monitor's motion.

At a January 6, 2017 status conference, the Court granted the Monitor's motion and approved the City's policy with the exception of the sections related to officer access to camera footage, public access to camera footage, and use of body cameras in secondary employment. The Court ordered the City to provide supplemental briefing regarding the matter of secondary employment – and the City's concerns over the potential cost implications – by February 6, 2017. On March 13, 2017, after negotiations with the Monitor, the City agreed to implement a pilot program in which it would recommend but not require the use of body cameras during secondary employment work. On May 5, 2017, the City filed a notice stating that no officers had volunteered for the pilot program, and requesting that the Court approve the body camera policy without the requirement for body cameras during secondary employment. At a status conference held on June 13, the City stated that it had changed its video uploading protocols to better encourage use of body cameras during secondary employment, and that it was researching how other police departments dealt with such logistics.

CDP is continuing to recommend, but not require, body cameras during secondary employment. By December 31, 2017, CDP was scheduled to provide the parties and Monitoring Team with a report detailing the number of officers electing to use cameras during secondary employment, the volume of footage being uploaded from secondary employment jobs, and any financial burden imposed on CDP by this. The parties and Monitor would use this data to determine whether the data yielded was sufficient and whether CDP should require the use of body cameras on all secondary employment shifts. **We await news of any developments. The Third Year Monitoring Plan did not include any deadlines regarding body cameras.**

## Equipment and Resources

In October 2015, we met with the Monitor to discuss CDP's equipment and resources in connection with the then-upcoming RNC. In a follow-up email we expressed concern that federal funds given to the City due to the RNC would be spent on unnecessary military weapons and surveillance equipment, instead of the tools needed to comply with the decree and to facilitate basic constitutional policing.

In February 2016, CDP completed a study of its current equipment and resources. Based on that study, the City created a draft Equipment and Resource Plan – an overview of equipment needed by officers and the Division – and submitted it to the Parties and Monitor in late November 2016.

On December 19, 2016, the Monitor filed a motion recommending that the Court not approve the City's proposed Equipment and Resource Plan, stating that it did not "specifically, strategically, and comprehensively provide CPD officers with the tools they need to do their jobs." On December 28, 2016, the City filed its opposition to the Monitor's motion. At the January 6, 2017 status conference, the Court granted the Monitor's motion. The Court ordered the City to work with the Monitor and the DOJ to address the Plan's deficiencies and to submit a more detailed and comprehensive Plan.

The City submitted several revisions of the Plan over the course of spring 2017. On May 3, 2017, the Monitor filed the City's revised Plan in Court, recommending partial approval and partial disapproval. The Monitor continued to work with CDP to revise the Plan to comply fully with the consent decree and best practices. During this period CDP made several updates to its equipment, technology, and data systems, including completing roll-out of the Computer-Aided Dispatch systems which allows officer to be dispatched via their in-car computers. On March 9, 2018, the Monitor filed a motion recommending approval of CDP's Learning Management System policy, which tracks all training received by officers. On March 23, 2018, the Court approved the policy.

On November 2, 2018, the Monitor filed in Court a finalized Equipment and Resources Plan and recommended its full approval. On November 8, 2018, Judge Oliver approved the plan.

The City is also working with the parties and Monitoring Team on a Revised Staffing Plan. The CPC has been collecting community feedback and CDP and the Monitoring Team have been collecting officer feedback. The Revised Staffing Plan was scheduled to be finalized and filed in Court by September 7, 2018, but it has been delayed.

#### Bias-Free Policing

In late 2015, City Council's Public Safety Committee drafted a bias-free policing ordinance. We had several concerns with the ordinance. On January 15, 2016, we sent a letter to the CPC, the City Council, and the Monitoring Team with recommendations to improve it. The ordinance was never passed. On March 7, 2016, the CPC released a report containing its recommendations for bias-free policing, as required by the consent decree.

In June 2016, CDP wrote a first draft of a bias-free policing policy. The Monitor engaged in an intensive process to solicit community input on this reform area. CDP submitted a proposed draft of the Bias-Free Policing policy to the Monitoring Team, and the Monitoring Team provided initial feedback on this policy in May 2017. On August 21, 2017, CDP issued another draft of its bias-free policing policy, and the community feedback process continued. On September 29, 2017 we sent a letter containing our recommendations for the policy to the CPC and Monitor. On October 11, the CPC released its policy recommendations, and on October 20 we sent a letter to the Mayor and Chief of Police urging them to adopt the CPC's recommendations and other recommendations of our own.

CDP then created a proposed final draft, which included almost none of our recommendations. On February 2, 2018, the Monitor filed the policy in Court and recommended its approval. On March 23, 2018, the Court approved the bias-free policing policy.

CDP collaborated with the Center for Policing Equity to develop a bias-free training curriculum, which was filed in Court on July 13, 2018. Officers began receiving their 12-hour bias-free training on July 16, 2018. **The City initially anticipated completing this training by the end of 2018, but it now appears training will continue into 2019.**

#### Police Interactions with Individuals in Crisis

The consent decree requires creation of a Mental Health Response Advisory Committee (“MHRAC”), a group of mental health and addiction experts, advocates, and service providers, and Crisis Intervention Team (“CIT”) officers, who will assist CDP in improving its Crisis Intervention Program.

In late November 2016, CDP completed a proposed final draft of its Crisis Intervention Team policies, which govern interactions with individuals experiencing behavioral crises. These policies were released to the public for feedback. On March 6, 2017, the Court approved these policies, ordering them fully effective upon the completion by all officers of basic training on the policies and crisis intervention issues.

In March 2017, CDP and MHRAC submitted a final draft of the corresponding all-officer, eight-hour training program to the Monitoring Team. On May 22, 2017, the Monitor filed the training curriculum in court, offering high praise and recommending its approval. All officers were scheduled to receive the eight-hour training by November 10, 2017. On November 27, 2017, the City filed a notice reporting that 94% of CDP officers had received the 8-hour training, and that remaining officers would complete the training by December 15, 2017. Per the Court’s March 2017 order, the completion of the training renders the policy fully effective. On January 24, 2018, the Court approved this eight-hour training curriculum.

On August 28, 2017, the Monitor filed with the Court MHRAC’s work plan, which structures the efforts the Committee will undertake over the next year to ensure continued progress toward compliance with the consent decree. On March 23, 2018, the Court approved the work plan.

MHRAC is currently crafting a curriculum for the 40-hour Crisis Intervention Specialized Training. The Monitor was scheduled to file the final draft in Court on November 30, but this has been delayed.

#### Data Collection and Analysis

In September 2017 CDP hired a full-time Data Analysis and Collection Coordinator. In January 2018, the Coordinator submitted the first End of Year Use of Force Report to the Monitoring Team. The Coordinator is working to ensure creation and maintenance of electronic systems to track data from force related documents, vehicle stops, investigatory stops, and searches.

The Data Analysis and Collection Coordinator continues to meet regularly with CDP leadership to present analyses of use of force, as well as trends on the timeliness of reviews of use of force reports. The Parties, CDP, and Monitoring Team meet monthly to address current trends and numbers with respect to CDP's performance.

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