

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

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

The City of Cleveland files this report to inform the Court on the training accomplished to date by the Cleveland Division of Police (“CDP”) with regard to the new Use of Force policies.

**Background**

The Consent Decree required that the CDP was to “revise, develop, and implement force policies, training, supervision, and accountability systems with the goal of ensuring that force is used in accordance with the Constitution and laws of the United States . . .” (Dkt. 7-1, *Settlement Agreement*, ¶ 45). The required new use of force policies were revised and developed for implementation. In recommending approval of the revised use of force policies developed by CDP, the Monitor recognized that development of the policies had been participatory with both community and officer input:

[T]he City and CPD have actively and genuinely engaged with community stakeholders – both “early in the process, when the Community Police Commission and Division of Police gather[ed] views, values, experiences, and expectations from the community that inform[e]d the initial drafting of new policies and processes” and “later on, when the Monitor work[ed] with stakeholders to get real, direct, and substantive feedback about” the proposed force policies.”

(Dkt. 83, *Motion Recommending Approval of Revised use of Force Policies of the Cleveland Division of Police*, at pp. 6-7). The Monitor recognized the high values contained in the new policies:

[T]he policies are consistent with the Consent Decree because they promote officer and public safety, enhance effective and proactive law enforcement, and advance constitutional policing in a manner consistent with the values of Cleveland’s communities as articulated by those communities during extensive community outreach and engagement on the force policies.

(*Id.*, p. 2). The new use of force policies have been included in separate CDP General Police Orders that address (1) Use of Force – General; (2) Use of Force – Definitions; (3) Use of Force – De-escalation; (4) Use of Force – Intermediate Weapons; and (5) Use of Force – Reporting.

### **Training Requirements**

The Consent Decree further stated that CDP was to “provide all current officers use of force training that is adequate in quality, quantity, scope, and type.” (*Id.* ¶ 84). Following development of the new use of force policies, CDP worked to develop a use of force training regimen that would meet the requirements of the Consent Decree by providing meaningful and high quality instruction on this most important topic. After review of the use of force training program developed by CDP the Monitor informed the Court and community that:

[T]he initial training serves as a strong foundation both for the Division’s implementation of its use of force policy and for its other major training initiatives to come. The finalization of this training marks an important milestone in the reform process, and the Monitor commends the men and women of the Division’s Training Section for their hard work and dedication to develop a strong, substantive training. Therefore, the Monitoring Team approves the initial use of force training as consistent with the Consent Decree’s paragraphs 84 (a) through (i) and as furthering the broader requirements and objectives of paragraphs 45, 46, 49, and 269. It asks the Court to order the training effective.

(Dkt 133, *Memorandum Submitting Initial Officer Use of Force Training*, pp.1-2).

CDP's approved use of force training incorporates two days (16 hours) of in-class training that uses both integrated and interactive scenario-based instruction. The class size for the two-day course is forty-eight (48) officers. The instructional modules have been designed to cover the following topics: De-Escalation, Contact and Cover, Subject Control and Handcuffing, Intermediate Weapons, Decision-making Scenarios, Threat Assessment, and Officer Performance Assessments.

An overview of the two day training program provided to the officers is addressed in the Monitor's "Memorandum Submitting Initial Officer Use of Force Training" (Dkt. 133). Members of the Monitoring Team were able to attend various training sessions during the implementation of the use of force training.

### **Report on CDP Training**

The City understands that the Monitor's evaluation of CDP's implementation of the new use of force policies by CDP will be begin on January 1, 2018. Before the new policies could be implemented it was understood that the officers would be trained. There are 1435 CDP officers who have been identified as potentially eligible to receive the new use of force training. Of this collective number, 1283 officers have received and completed the two day (16 hour) block of training. To ensure further completion, CDP has scheduled two additional classes to be completed before the end of the year. Each of the two remaining classes has positions for forty-eight (48) officers. The first of the two remaining classes is scheduled to begin on November 13 and will conclude on November 15, 2017. After completion of the November 11-13 class 1331 of the potentially eligible officers, or ninety-three percent (93%) of the officers, will have completed the required use of force training. The second of the two final 2017 classes is set to go forward on December 11, 2017.

The scheduling and completion of training for all potentially eligible CDP officers takes into account several factors that affect the present eligibility of the 104 officers who remain to be trained following completion of the November 13-15 class. A review of the status of the remaining officers provides the following classifications:

Officers out on extended medical leave:	38
Officers on restricted duty status:	22
Officers scheduled to retire in 2017:	2
Officers out on extended military leave:	3
Officers on extended probationary period:	6
Active Officers remaining to be trained:	33

The final class that is set to begin on December 11 has 48 positions. As noted above, thirty-three (33) currently active officers will be scheduled to attend the December class. The class will have open slots available for up to fifteen (15) officers who may potentially leave one of the other enumerated categories of presently untrained officers.

Officer surveys following the use of force training document that the new training has been well received and found to be valuable by most officers who have received the training. It is anticipated following the conclusion of the scheduled December 11-13 classes (after factoring for officers who remain on extended medical leave, on extended military leave, on restricted duty status, and for the two retiring officers) that, effectively, all of CDP's active officers will have received the requisite use of force training before implementation and evaluation of the new use of force policies begins on January 1, 2018.

Respectfully submitted,

Barbara A. Langhenry (0038838)  
Director of Law

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

Counsel for the City of Cleveland

**CERTIFICATE OF SERVICE**

The undersigned certifies that the City of Cleveland's Report on Use of Force Training was filed electronically on November 13, 2017. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Pursuant to the requirements of the Consent Decree the Monitor Team has been delivered a copy of this filing.

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