

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

UNITED STATES OF AMERICA,)	CASE NO.: 1:15CV1046
)	
Plaintiff,)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
CITY OF CLEVELAND,)	
)	
Defendant.)	

**DEFENDANT’S MOTION TO ENFORCE THE MONITOR’S
OBLIGATIONS NECESSARY FOR SETTLEMENT AGREEMENT COMPLIANCE
WITH SUPPORTING MEMORANDUM**

Defendant City of Cleveland (“the City”) respectfully requests that the Court order the Monitor to comply with ¶ 375 of the Settlement Agreement (“SA” or “Consent Decree”) and provide the City with the standards, methodologies and/or data that support its conclusions in the 16th Semiannual Report. Not only is this information required by the text of the Consent Decree, but the City must have it to further implement reform and achieve constitutional policing beyond the Consent Decree. The City cannot be expected to ascertain its current level of compliance nor achieve future compliance when the Monitor has failed to explain how and by what standards it draws its conclusions. This puts the City in an untenable situation that this Court must rectify.

The City humbly requests an Order enforcing the Monitor’s obligations pursuant to ¶ 375. Specifically, the City asks that the Court order the Monitor to: (1) provide the Parties, within 14 calendar days, the methodology and data that support its conclusions in the 16th Semiannual Report for SA paragraphs 16, 17(b), 18(a), 18(b), 19, 23, 26, 29, 42, 116, 121, 126, 179, 198, 199, 200, 201, 223, 226, 232, 255, 293, 295, 297, 299, 323, and 328; and (2) henceforth comply with similar requests for methodologies and data from the Parties within 14 calendar days of the request.

The Monitoring Team has not complied with ¶ 375 and has withheld necessary and vital information in direct contradiction of the requirements set forth in the Consent Decree. The Parties must analyze the methodologies and data that support the Monitoring Team's conclusions in the 16th Semiannual Report, in order to facilitate the free flow of information the Consent Decree describes, to ensure a transparent review process, to efficiently remove barriers the City may have in achieving full compliance, and to follow the language the Parties agreed to in the SA.

A proposed Order is attached hereto as Exhibit 1.

I. BACKGROUND

On June 12, 2015, the City entered into the Settlement Agreement with the United States. A key purpose of this agreement is to ensure that the City achieves substantial compliance with its provisions.¹ To measure progress toward compliance, the Consent Decree requires the Court-appointed Monitor to perform regular compliance reviews or audits, assessing the City's adherence to the Consent Decree's terms and to explain the grounds for evaluations.²

Paragraph 375 of the Consent Decree specifically mandates that the Monitor submit semiannual public reports to the Court detailing, among other things, compliance review methodologies and findings. Paragraph 375 explicitly states:

The Monitor will file with the Court, every six months, written, public reports that include the following: (a) a description of the work conducted by the Monitor during the reporting period; (b) a list of each Agreement requirement, indicating which requirements have been: (1) incorporated into policy; (2) the subject of sufficient training for all relevant CDP officers and employees; and (3) carried out in actual practice; (c) *the methodology and specific findings for each compliance review conducted*, where appropriate, and redacted as necessary for privacy concerns. An unredacted version will be filed under seal with the Court and provided to the Parties. The underlying data for each compliance review will not

¹ See Settlement Agreement between the United States and the City of Cleveland, Dkt #: 413-1, ¶ 401.

² See *id.*, par. 369.

be publicly available but will be retained by the Monitor and ***provided to either or both Parties upon request.***³

Additionally, ¶ 376 of the Consent Decree requires the Monitor to provide draft copies of these semiannual reports to the Parties within 15 business days after the end of each reporting period, allowing the Parties another 15 business days to provide comments.

Starting with the 15th Semiannual Report, the City’s Police Accountability Team (“PAT”) began sending the Monitoring Team an “Advocacy Document” in advance of the deadline for the semiannual reports. These Advocacy Documents contain recommendations and data that the City believes the Monitoring Team should consider before making final compliance review determinations in its semiannual reports. For the reporting period ending December 31, 2024, the PAT sent its Advocacy Document to the Monitoring Team and DOJ on January 31, 2025.⁴

The Monitoring Team provided the Parties its draft of the 16th Semiannual Report on March 17, 2025, approximately 38 business days after the deadline the SA outlines for a semiannual report in ¶ 376. The deadline for the Monitoring Team to provide the Parties with the draft 16th Semiannual Report expired on approximately January 21, 2025.⁵ The Monitoring Team

³ *Emphasis added.*

⁴ *See generally* Ex. 2 — City of Cleveland July–December 2024, Advocacy Document. (The deadline for the City to send the Monitoring Team its 16th Semiannual Advocacy Document was stipulated to during the January site visit with the Monitoring Team.)

⁵ The Monitoring Team failed to provide the Parties with the draft report by January 21, 2025, without explanation. Unfortunately, untimely Semiannual reports are a common occurrence with the Monitoring Team, which has not provided the Parties with a single timely Semiannual Report since being appointed in April 2023. Instead, it provided the Parties its draft of the 16th Semiannual Report approximately 38 business days after the deadline the SA outlines for a semiannual report in ¶ 376. The Court should not overlook the Monitoring Team’s consistent late production of reports, which delays Consent Decree progress, compounds into further future delays, and makes it difficult for the City to enact change in real time.

then instructed the City to provide its feedback no later than April 7, 2025.⁶ Upon review, the City immediately observed critical omissions from the Monitoring Team’s draft report—specifically, pursuant to ¶ 375(c), the draft completely omitted any methodologies underlying the compliance findings associated with the following Consent Decree paragraphs: SA ¶¶ 16, 17(b), 18(a), 18(b), 19, 23, 26, 29, 42, 116, 121, 126, 179, 198, 199, 200, 201, 223, 226, 232, 255, 293, 295, 297, 299, 323, and 328.

Consequently, on March 19, 2025, the City formally inquired with the Monitoring Team, pursuant to ¶ 375(c), about the omission of the underlying data and methodologies utilized in formulating the compliance determinations it presented in the 16th Semiannual Report.⁷ Subsequently, in a joint meeting on March 25, 2025, the Monitoring Team explicitly refused the City’s request for the Monitoring Team to comply with ¶ 375(c), and stated, affirmatively, that despite the requirements of the SA, the Monitoring Team would not provide the City any underlying methodologies and data that they utilized in formulating their compliance determinations in the 16th Semiannual.⁸

Undeterred, the City requested for the Monitoring Team to comply with ¶ 375(c) in writing on March 28, 2025, and established a deadline of April 3, 2025, for the Monitoring Team to supplement the draft 16th Semiannual Report with this information.⁹ The Monitoring Team failed to meet this deadline and has yet to comply with the terms of the Consent Decree. The City, therefore, respectfully requests that the Court enforce the explicit terms of ¶ 375(c) of the Consent

⁶ The Monitoring Team later provided the Parties an extension until April 9, 2025.

⁷ See Ex. No. 3 — City Request for 16th Semiannual Data & Methodologies E-Mail.

⁸ See id.

⁹ See id.

Decree and compel the Monitoring Team to promptly provide the City with the methodologies and underlying data used in its compliance determinations for the 16th Semiannual Report so that the City may have the information it needs to comply with the terms of the Consent Decree.

II. ARGUMENT

Having a definite methodology for assessing compliance is understood to be a basic requirement of consent decrees. *See, e.g., U.S. v. State of Michigan*, 62 F.3d 1418, 1995 WL 469430, *3 (6th Cir. 1995) (comparing a prisoner-rights consent decree methodology based on fixed percentages of compliance versus “a utilization methodology (simulation modeling)”; *U.S. v. City of Seattle*, No. C12-1282JLR, 2019 WL 5190922, *2 (W.D. Wash. Oct. 15, 2019) (requiring a “substantive response” on the “City’s proposed methodology” for measuring police accountability under a consent decree).

The Court should grant the City’s Motion to Enforce, requiring the Monitor to comply with its Methodology and Data obligations regarding the 16th Semiannual Report because: (1) the Monitoring Team Performed Compliance Reviews in the 16th Semiannual Report; (2) the Monitor failed to comply with ¶ 375(c) when it omitted methodologies and data to support its Compliance Reviews in the 16th Semiannual Report; and (3) impartial, transparent, and thorough methodologies support City police reform efforts.

A. The Monitoring Team Performed Compliance Reviews in the 16th Semiannual Report

The Monitoring Team’s justification for its failure to provide the Parties with the methodologies and data that support the 16th Semiannual Report, pursuant to ¶ 375(c), center on its argument *that it did not conduct any Compliance Reviews when creating the 16th Semiannual Report*. Shockingly, the Monitoring Team stated they used information they obtained outside of a

formal Compliance Review to inform its conclusions in the Semiannual.¹⁰ For the City to hear that the Monitoring Team is not using Compliance Reviews or Audits to judge the City's compliance progress in Semiannual Reports leads the City to be perplexed as to what the Monitoring Team is actually doing to derive its compliance conclusions.

The Monitoring Team asserts that the “informal review” process it performed when creating the 16th Semiannual permits it to not classify its reviews of compliance as Compliance Reviews or Audits, and thus not be subject to ¶ 375(c). *The City cannot permit the Monitor to misinterpret its duties under the Consent Decree in this manner.* The City pays millions of dollars to the Monitoring Team to use Compliance Reviews and Audits to fairly determine its progress in an open and transparent manner—not to use unsanctioned informal methods that allow the Monitoring Team to arbitrarily change compliance ratings based on a whim.

There are numerous reasons why the Court should not permit the Monitoring Team to support the 16th Semiannual with informal reviews, and instead, deem the work the Monitoring Team completed as Compliance Reviews or Compliance Audits.

1. Paragraph 375(b) Requires the Monitoring Team to Support Its Compliance Ratings with Compliance Reviews in Semiannual Reports

First, ¶ 375 details how the Monitoring Team's work under the Semiannual *must* contain Compliance Reviews. Specifically, ¶ 375 describes,

[t]he Monitor will file with the Court, every six months, written, public reports that include the following... (b) *a list of each Agreement requirement, indicating which requirements have been: (1) incorporated into policy; (2) the subject of sufficient training for all relevant CDP officers and employees; and (3) carried out in actual practice.*¹¹

¹⁰ These conclusions were determinations of “non-compliance,” “partial compliance,” “operational compliance,” and “general compliance.”

¹¹ *Emphasis added.*

If this language seems familiar to the Court, that is because this language is analogous to the language the SA uses later to describe what comprises a Compliance Review. Paragraph 360 states:

The Monitor will conduct reviews or audits as necessary to determine whether the City and CDP have complied with the requirements of this Agreement. Compliance requires that the City and CDP: ***(a) have incorporated the requirement into policy; (b) have trained all relevant personnel as necessary to fulfill their responsibilities pursuant to the requirement; and (c) are carrying out the requirement in actual practice.*** Compliance reviews and audits will contain the elements necessary for reliability and comprehensiveness. Compliance reviews and audits may be conducted using sampling and compilation data where appropriate.¹²

This analogous language clearly demonstrates the Parties' intent to have the Monitoring Team support its compliance designations in Semiannuals with Compliance Reviews. The Monitoring Team complied with ¶ 375(b) in the 16th Semiannual when it listed a compliance rating, supported by a Compliance Review, for each requirement in the SA. It should not be able to claim alternatively to unjustly withhold its methodologies and data. The City needs to know—and has a right to know—how it is being judged.

2. The SA Does Not Permit the Monitoring Team To Perform “Informal Compliance Reviews”

Second, the Monitoring Team has posited that its conclusions contained in the 16th Semiannual are supported by work that is less than a Compliance Review, i.e. an “Informal Compliance Review.” However, that is merely a fiction. ***The SA does not provide the Monitoring Team with a review mechanism less than a Compliance Review to assess the City’s compliance with the Consent Decree, and ¶¶ 351 & 352 restrict the Monitoring Team to only functioning within the authority that the Parties have given it in the SA.*** The SA only provides the Monitoring

¹² Emphasis added.

Team three mechanisms to analyze compliance: Compliance Audits (§ 360), Compliance Reviews (§ 360), and Outcome Measurement Assessments (§ 367).

The SA's Semiannual requirements recognize these three exclusive methods of assessment by specifically requiring Semiannuals to be comprised of their results: Compliance Audits (§ 375(b)), Compliance Reviews (§ 375(b)), and Outcome Measurement Assessments (§ 375(e)). The other subsections of § 375 (§ 375(a)(c)(d) & (f)) require the Monitoring Team to supplement the results of these review methods with overall progress narratives, methodologies, suggestions, and descriptions of the work ahead.

The Monitoring Team may only work within the duties and authorities that the Parties have given it, pursuant to §§ 351 and 352, and the SA is explicit with the review methods it prescribes the Monitoring Team. Neither the Monitoring Team nor the DOJ have been able to point to any paragraph in the SA that supports their claim for an alternative, lesser, or informal method to review the City's compliance. The Court should deem the work the Monitoring Team performed in the 16th Semiannual Report to be Compliance Reviews or Compliance Audits because there are no lesser methods the Consent Decree allocates to the Monitoring Team to evaluate the City's compliance with the SA.

***3. The Monitoring Team Has Previously Admitted
That It Completes Compliance Reviews in Semiannual Reports***

Finally, the Court should deem the work the Monitoring Team completed in the 16th Semiannual Report to be Compliance Reviews because the Monitoring Team has previously admitted that the work it completes in Semiannuals is in fact a Compliance Audit or Review. An example of this previous admission can be seen in its April 19, 2024, "Notice of Crisis Intervention

Compliance Assessment” letter (“CIT Assessment Notification Letter”).¹³ The Monitoring Team sent the CIT Assessment Notification Letter, and others like it, to the City in order to notify the City of its intent to conduct a Compliance Assessment.

The CIT Assessment Notification Letter, signed by Head Independent Monitor, Karl Racine, describes the scope and timeline of the assessment and alerts the City to the Monitoring Team’s intention to build off of Compliance Audits and Compliance Reviews that it conducted in previous Semiannuals to inform its assessment’s conclusions:

The Monitoring Team evaluates compliance with sections of the Consent Decree throughout the year and communicates its observations, assessments, and findings twice each year through its semi-annual reports (§§ 360, 375). ***These compliance reviews*** consider the totality of evidence presented and observed with respect to each provision of the Consent Decree, including review of policies and annual reports, interviews and meetings with the City and CDP as well as Cleveland community groups, and observation of trainings and internal meetings. As the City and CDP progress through the implementation phase of the Consent Decree, the Monitoring Team will conduct Compliance Assessments ***that build upon reviews conducted in advance of each semi-annual report.***¹⁴

The Monitoring Team sent a letter regarding the Search and Seizure Assessment, with similar admissions, to the City on July 9, 2024.¹⁵ Clearly, the Monitoring Team, in its own words, also considers its conclusions in Semiannuals to be derived from Compliance Audits and Reviews. The Court should not permit the Monitoring Team to double back on this designation now so it can simply argue its way out of its duties. No matter which way the Monitoring Team argues its position, the work it completed that informed its conclusions in the 16th Semiannual was based on Compliance Reviews—all performed without including the methodologies and data required.

¹³ See Ex. No. 4 — CIT Assessment Notification Letter.

¹⁴ Id., pg. 1-2 (*Emphasis added*).

¹⁵ See Ex. No. 5—Search and Seizure Assessment Notification letter—at 1-2.

B. The Monitor Failed to Comply with ¶ 375 When It Omitted Methodologies And Data to Support Its Compliance Reviews in the 16th Semiannual Report

The City has established that the Court should deem the work the Monitoring Team performed in the 16th Semiannual Report as Compliance Reviews. Paragraph 375(c) of the Consent Decree then clearly requires the Monitoring Team to disclose the methodologies and underlying data it used in its compliance assessments, explicitly stating:

The Monitor will file with the Court, every six months, written, public reports that include the following: ...*(c) the methodology and specific findings for each compliance review conducted*, where appropriate, and redacted as necessary for privacy concerns. An unredacted version will be filed under seal with the Court and provided to the Parties. The *underlying data for each compliance review* will not be publicly available but will be retained by the Monitor and provided to either or both Parties upon request.¹⁶

The Monitoring Team's refusal to comply with this clear obligation, despite the City's formal requests issued on March 19, 2025, and reaffirmed on March 28, 2025, directly violates the explicit terms of the Consent Decree. This refusal not only undermines the integrity of the review process but also directly impacts the City's ability to respond meaningfully and effectively to the Monitoring Team's compliance assessments. The City is better able to focus on accountability and change when the Monitoring Team provides the Parties with the methodologies and data that support its conclusions. The City currently believes it is further along in the compliance process than the Monitoring Team recognizes and without quantifiable, measurable metrics, the City is left otherwise guessing where it stands in terms of its progress towards compliance. The City cannot properly analyze its alleged shortcomings and adjust its practices without analyzing the Monitoring Team's methodologies and data that support its compliance conclusions.

C. Impartial, Transparent, and Thorough Methodologies Support City Police Reform Efforts

¹⁶ *Emphasis added.*

Compliance is a critical reason that the SA requires the Monitoring Team to provide methodologies and data. The SA requires the Monitoring Team to inform the City and the public about the reasons for non-compliance, the methods used to assess the City, and the steps the City must take to achieve compliance. The Monitoring Team's failure to follow this requirement obstructs the City's ability to understand and comply with the SA.

The ¶ 375(c) requirement ensures transparency, procedural fairness and furthers institutional change by allowing the City to independently assess and validate compliance determinations, protecting against arbitrary or incorrect findings, and replicate methodologies to identify areas of concern. This need for procedural fairness and a transparent review process is further evidenced by the open-book procedure the Parties stipulated to in ¶ 371. Ignoring the Parties' intent to now favor the Monitoring Team's closed door "informal review" method would work contrary to the SA's established framework.

Transparency in compliance review methodologies and data aligns directly with the central goal of the Consent Decree—building and maintaining public trust in constitutional policing practices.¹⁷ When the Monitoring Team withholds the mechanics of its review process and the data that supports it, it impairs public confidence in its reporting and the broader objectives of accountability and reform that the Consent Decree intends to promote.

The City's PAT provides detailed advocacy documents demonstrating progress and advocating for compliance upgrades in various areas of the Consent Decree. The PAT's Advocacy Document specifically highlights 34 paragraphs of the Consent Decree for which the City believes substantial progress warrants increased compliance ratings.¹⁸ The Monitoring Team's refusal to

¹⁷ See generally SA, Introduction, at pg. 1.

¹⁸ See generally Ex. No. 2.

provide methodologies and underlying data significantly inhibits the City's ability to substantiate, validate, and effectively advocate for these compliance upgrades. Without access to such critical information, the City's ability to present thorough and informed arguments in support of compliance improvements is severely compromised.

The City agrees with guidance the Department of Justice (DOJ) developed on this matter. In 2024, the DOJ developed the *Monitoring Law Enforcement Consent Decrees: An Introduction & Starter Toolkit* in collaboration with independent monitors, which emphasizes the critical importance of clearly articulated methodologies in evaluating compliance with consent decrees. The DOJ states, on pages 88-89 of the Toolkit:

Defaulting to the Monitor's Ill-Defined Sense of Compliance. One approach to consent decree oversight is to ground a compliance determination on the monitor's expertise—leaving the monitor to assess progress and determine whether the law enforcement agency is in or out of compliance based on ***unclear, insufficiently transparent, and/or insufficiently rigorous methodology***. This approach positions the monitor as an expert who makes a determination about compliance based on ***unspecified, or insufficiently detailed, factors, approaches, or methodologies***.

The monitor may simply assert that, based on their knowledge and work on the decree, it appears that the agency or jurisdiction is or is not in compliance—citing a constellation of reasons or evidence. ***This type of approach has sometimes been criticized as “wise person,” “finger-in-the-wind,” or “I-know-it-when-I-see-it” monitoring because it appears to ground the compliance determination in a single person’s subjective impressions rather than transparent, objective criteria. This type of monitoring—in which how compliance is determined remains vague and amorphous—is usually unsatisfactory, for at least a few major reasons.***¹⁹

The City agrees with the DOJ that unspecified approaches or methodologies are wholly unsatisfactory. The City also agrees with the DOJ that the failure of a monitor to share its methodologies and data in an open and transparent manner undermines procedural justice, ruins public acceptance, hinders compliance and obstructs continued constitutional policing:

¹⁹ *Emphasis added.*

First, as noted, it is insufficiently transparent. If law enforcement agency personnel, jurisdiction stakeholders, and community members cannot see and understand, for themselves, what is going into a determination that police are or are not doing what they should, they are unlikely to defer automatically to the judgment of monitors—especially when conclusions about progress may differ from individual experiences or views. Indeed, a central pillar of *procedural justice*—which many consent decrees expressly address—is that “decisions are . . . guided by transparent reasoning.”

Second, the approach differs from what is expected in other kinds of court proceedings, where judges and their agents apply standards and rules to evidence that comes before them. If monitors make a determination about compliance based on ill-defined parameters, community stakeholders—including the law enforcement agency—are *unlikely to accept the determination*.

Third, consent decree compliance requires the ongoing efforts of law enforcement personnel, including those at the top of the organization and patrol officers alike. If law enforcement agencies do not have some idea about how their performance will be assessed, they are unlikely to be as *effective and efficient in guiding their practices to meet those aims*—and may well become discouraged by the sense that they are seeking to travel somewhere unclear and uncertain. At the same time, if monitors can provide more clarity about how progress may be evaluated, monitored agencies can take a more direct, efficient path to get there.

Finally, most decrees expressly contemplate that changes made should, and will, endure long after monitoring and the decree have concluded. Reforms are intended to be sustainable and operationalizable—establishing a new way for a law enforcement agency and its officers to perform their duties. *If law enforcement agency and jurisdiction personnel do not understand how they can continue to assess their own performance, long after the monitor and court are gone, to ensure continued adherence to lawful policing practices and ongoing progress, sustainable change is far less likely. A monitor who does not articulate the basis of their decision-making does not cultivate this type of enduring change.*²⁰

The DOJ is correct that detailed methodologies are essential not only for accuracy and reliability but also to enable jurisdictions to independently verify progress and validate compliance findings even after the monitoring of the City’s progress has concluded. The City needs methodologies and data from the Monitoring Team so this type of assessment and reform effort can continue internally post Consent Decree. It is hard not to see how the Monitoring Team is

²⁰ *Emphasis added.*

falling victim to the same problem that the DOJ describes in this document by failing to provide the methodologies and data that support their conclusions in the 16th Semiannual.

III. CONCLUSION

As demonstrated, (1) the Monitoring Team Performed Compliance Reviews in the 16th Semiannual Report; (2) the Monitor failed to comply with ¶ 375(c) when it omitted methodologies and data to support its Compliance Reviews in the 16th Semiannual Report; and (3) impartial, transparent, and thorough methodologies support City police reform efforts.

The Parties, through what they have implemented in ¶ 375 and other similar paragraphs, have determined methodologies to be crucial to implementing reform efforts. Currently, reform centers on the City making changes and improvements to systems, policies, and practices in order to address problems and/or threats to compliance with the Consent Decree and constitutional policing. Transparent methodologies will ensure that the Monitoring Team's conclusions on police accountability are grounded in evidence, regardless of whether they suggest implementing new training programs or changing reporting procedures. By requiring the Monitor to provide evidence-based insights, its findings would become effective in improving the design, implementation, and long-term success of the Consent Decree, ultimately helping to foster accountability, transparency, and trust in Cleveland.

Therefore, the City respectfully requests an order that: (1) requires the Monitor to provide the City, within 14 days, the methodology and data that support at least their Compliance Reviews in the 16th Semiannual Report for Settlement Agreement Paragraphs 16, 17(b), 18(a), 18(b), 19, 23, 26, 29, 42, 116, 121, 126, 179, 198, 199, 200, 201, 223, 226, 232, 255, 293, 295, 297, 299, 323, and 328; and (2) requires the Monitor to henceforth comply with similar requests for methodologies and data from the Parties within 14 days of the request.

A proposed order to this effect is attached hereto as Exhibit 1.

Respectfully submitted,

FOR THE CITY OF CLEVELAND

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Director of Law
City of Cleveland

By: /s/ Martin Bielat

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CERTIFICATE OF SERVICE

I certify that on April 8, 2025, I electronically filed the foregoing document(s) and that they are available for viewing and downloading from the Court's CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

By: /s/ Martin Bielat

Martin Bielat (OH: 0098052)

Assistant Director of Law–PAT

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

UNITED STATES OF AMERICA,)	CASE NO.: 1:15CV1046
)	
Plaintiff,)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
CITY OF CLEVELAND,)	<u>[PROPOSED] ORDER</u>
)	
Defendant.)	

Pending before the Court is the City of Cleveland's Motion to Enforce the Monitor's Obligations Necessary for Settlement Compliance. After considering the arguments presented and the language of the Settlement Agreement, the Court finds the position of the City of Cleveland to be well-taken.

It is hereby ORDERED as follows: The Monitor shall provide the City of Cleveland, within fourteen (14) days of this Order, the methodologies and underlying data supporting the Compliance Reviews identified in its 16th Semiannual Report for Consent Decree Paragraphs 16, 17(b), 18(a), 18(b), 19, 23, 26, 29, 42, 116, 121, 126, 179, 198, 199, 200, 201, 223, 226, 232, 255, 293, 295, 297, 299, 323, and 328.

Henceforth, the Monitor shall comply with similar requests from either Party for the production of methodologies and underlying data supporting its Compliance Reviews, Compliance Audits, or Outcome Measurement Assessments within fourteen (14) days of receipt of such a request, pursuant to Paragraph 375(c)(e) of the Consent Decree.

Further, if the Monitor does not have, or cannot provide, the methodology or underlying data supporting a compliance review, he shall so state, and shall not provide a compliance review for that paragraph.

IT IS SO ORDERED.

JUDGE SOLOMON OLIVER, JR.

Dated: _____



CITY OF CLEVELAND
Mayor Justin M. Bibb

January 2025

Settlement Agreement Compliance July – December 2024

City of Cleveland | Police Accountability Team



I | Introduction

The Police Accountability Team (PAT) is charged with assisting the City of Cleveland in reaching compliance with the reform measures of the Settlement Agreement. The PAT is submitting this Advocacy Document for the July through December 2024 reporting period to the Cleveland Police Monitoring Team (Monitoring Team). The purpose of this document is to advocate for compliance upgrades in the Consent Decree paragraphs where the City has demonstrated sufficient progress to warrant an increased rating from the previous reporting period.

The PAT submits this Advocacy Document to the Monitoring Team not only to advocate for upgrades but to also prompt a written response for each paragraph where the Monitoring Team does not believe a compliance upgrade is deserved. The PAT believes that understanding the Monitoring Team's perspective on the City's alleged shortcomings is crucial for assessing and, if needed, redirecting the City's compliance efforts. The PAT humbly requests a written response to this Advocacy Document from the Monitoring Team within sixty (60) days of their release of the 16th Semi-Annual Report.

II | Reporting on Areas of Improvement

PAT is taking a proactive approach as it comes to compliance with the Settlement Agreement. To better inform the Monitoring Team of the work conducted during the July through December 2024 reporting period, the PAT submits the below to advocate for increases in compliance in a number of areas.

A. Advocacy for Compliance Upgrades

To determine where the PAT believes the City should receive upgrades, the PAT utilized the same compliance status descriptions from the Monitoring Team's 3rd Semiannual Report:

- Non-Compliance: The City and/or Cleveland Division of Police (CDP) has not yet complied with the relevant provision of the Consent Decree. This includes instances in which the City or CDP's work or efforts have begun but cannot yet be certified by the Monitoring Team as compliant with a material component of the requirement.
- Partial Compliance: The City and/or CDP has made sufficient initial strides or sufficient partial progress toward a material number of key components of the provision of the Consent Decree— but has not achieved operational compliance. This includes instances where policies, processes, protocols, trainings, systems, or the like exist on paper but do not exist or function in day-to-day practice. It may capture a wide range of compliance states or performance, from the City or CDP having taken only very limited steps toward operational compliance to being nearly in operational compliance.



- **Operational Compliance:** The City and/or CDP has made notable progress to technically comply with the requirement and/or policy, process, procedure, protocol, training, system, or other mechanism of the Consent Decree such that it is in existence or practice operationally—but has not yet demonstrated, or has not yet been able to demonstrate, meaningful adherence to or effective implementation, including across time, cases, and/or incidents. This includes instances where a given reform is functioning but has not yet been shown, or an insufficient span of time or volume of incidents have transpired, to be effectively implemented in a systemic manner.
- **General Compliance:** The City and/or CDP has complied fully with the requirement and the requirement has been demonstrated to be meaningfully adhered to and/or effectively implemented across time, cases, and/or incidents. This includes instances where it can be shown that the City or CDP has effectively complied with a requirement fully and systemically.

Figure 1: Total Number of Projected Upgrades by Focus Area

Focus Area	Number of Projected Upgrades
Community Engagement	7
Community & Problem-Oriented Policing	2
Bias-Free Policing	1
Use of Force	5
Accountability	5
Transparency & Oversight	6
Officer Assistance & Support	4
Supervision	4

In reviewing the work conducted by the City during the reporting period, the PAT would like to highlight 34 paragraphs suitable for upgrades across eight sections. The PAT also acknowledges that the Monitoring Team can and will conduct their own assessment of the Settlement Agreement paragraphs independent of the City's review which may contain paragraphs not identified in this document. The omission of such paragraphs is not an indication that the City does not believe additional paragraphs do not merit upgrades, rather the City focused efforts on highlighting growth that occurred this reporting period and considered areas that may not have been reassessed recently.

Some of these upgrades are straightforward, given the substantial work observed by the Monitoring Team during this time. However, there are other paragraphs that the PAT intends to present in detail within this report. Below is a list of the paragraphs that the City believes warrant a compliance upgrade from the previous reporting period, with notes on which will be further explained in this report:

Figure 2: July – December 2024 Projected Upgrades

¶	Paragraph Description	Upgrade Level
16*	CPC membership	Partial → Operational Compliance
17b*	CPC collaboration with CDP TRC	Partial → Operational Compliance
18a*	CPC authority to review/comment on CDP policies and practices	Partial → Operational Compliance
18b	CPC authority to review/comment on CDP initiatives	Non-Compliance → Partial Compliance
19*	CPC Access to Information	Partial → Operational Compliance
23*	Quarterly DPC meetings; regular communication between CDP and community leaders	Partial → Operational Compliance
26*	Annual DPC Presentation	Partial → Operational Compliance
29*	Officers are familiar with the geographic areas they serve	Partial → Operational Compliance
30*	CPOP Annual In-service Training	Non-Compliance → Partial
42*	Annual In-service Bias-Free Training	Partial → Operational Compliance
116*	Force Investigation Team administrative investigations	Partial → Operational Compliance
121*	Force Investigation Team preliminary report	Partial → Operational Compliance
122*	Force Investigation Team administrative investigation procedure	Non-Compliance → Operational Compliance
126*	Force Review Board procedure	Partial → Operational Compliance
128*	Force Review Board review of investigation quality	Partial → Operational Compliance
179*	Internal Affairs investigator qualifications	Partial → Operational Compliance
200	OPS Manual	Partial → Operational Compliance
201*	Promotion of Complaint Filing	Partial → Operational Compliance
223*	OPS consideration of all evidence	Partial → Operational Compliance
226*	OPS determination of policy violation	Partial → Operational Compliance
250	Public Safety Inspector General minimum qualifications and experience	Non-Compliance → General Compliance
251	Public Safety Inspector General Reporting Structure	Partial → General Compliance
252	No CDP Employment History	Partial → General Compliance

* Paragraphs that will have further elaboration in the document

253*	Public Safety Inspector General duties	Partial → Operational Compliance
254*	Public Safety Inspector General investigations, analysis, and reports	Partial → Operational Compliance
255*	Public Safety Inspector General budget	Partial → General Compliance
293*	Equipment and Resources Plan	Operational → General Compliance
295*	Implementation of Equipment and Resources Plan	Operational → General Compliance
297	Email System	Operational → General Compliance
299*	Employee Assistance Program	Partial → Operational Compliance
323*	Supervisor Training	Partial → Operational Compliance
326	Officer Intervention Program Plan	Non-Compliance → Partial Compliance
328*	Officer Intervention Program database	Non-Compliance → Partial Compliance
339*	Supervisor Body Camera Audits	Partial → Operational Compliance

B. Summaries of Projected Upgrades

The City elaborates on the upgrades described in Figure 2 as follows:

1. Paragraph 16, CPC Membership

Paragraph 16 requires (1) the Community Police Commission (CPC) to be broadly representative of Cleveland's diverse communities, (2) seated per the terms of the City's Charter, (3) have three police unions recommend a candidate for the Commission, and (4) for the CPC to meet periodically with the Chief of Police to provide recommendations and reports. Like during the last reporting period, the City believes it has again achieved at least "Operational Compliance" under Paragraph 16. For the months of July through December, 2024, (1) the Commissioners broadly represented Cleveland's diverse communities, (2) they were seated per the terms of the City's Charter, (3) police unions were contacted for their candidate recommendations to the Mayor and (4) the Commission communicated frequently with CDP and the Chief of Police.

In January 2023, the 13 members of the CPC were seated based on criteria established in Cleveland Charter Section ¶115-5 and were representative of a broad cross section of Cleveland's diverse communities. The Mayor and City Council selected the candidates after soliciting recommendations from the police unions mentioned in Paragraph 16. Specifically, Black Shield, Hispanic Police Officers Association, CPPA, and FOP representatives participated in the City's Resident Review Committee and submitted candidate recommendations.



The chosen 13 candidates remained in place on the Commission until three four-year term Commissioners resigned and six two-year term Commissioners had their terms expire on December 5, 2024. Per the City Charter, the City has 60 days to fill the vacancies. Although there were vacancies in Commission seats, the City has not violated the timeline requirements for filling these positions. The deadlines for filling these vacancies are determined by the dates of resignation, and they do not expire until after this reporting period. Consequently, the City cannot be considered out of compliance in this regard. While the transition between Commissions has faced challenges, the Charter and the Consent Decree do not mandate a seamless process.

Further, the Commission maintained regular meetings with the Chief of Police throughout 2024. The Co-Chairs of the Commission reviewed Officer Discipline files in IA Pro with the Chief, participated in several CPC Bi-Weekly meetings together (in the presence of the Monitoring Team), and engaged in discussions about various policing topics through informal phone calls. The Chief consistently received input from the Commission through their work in policy and training reviews.

The City's consistent work under this paragraph aligns more closely with the Monitoring Team's definition of "Operational Compliance." This is because the key elements of Paragraph 16 are actively practiced by the City, rather than simply being on paper as defined by the "Partial Compliance" designation.

2. Paragraph 17b, CPC Review of CDP Trainings

Paragraph 17b requires that "The Commission will, on an ongoing basis, including through its membership on the Training Review Committee [TRC], assist as appropriate in CDP's development of training related to bias-free policing and cultural competency."

During the reporting period, the CPC's training subcommittee chair participated as the CPC representative on the TRC and maintained regular communication with CDP's Commander who oversees training. CDP trainings are also routinely sent to the CPC training subcommittee for review before trainings are reviewed and approved by the full Commission. Of note, the Commission completed a review and approved CDP's Integrated Reality-Based Training for use of force, search & seizure, and bias-free policing (7/1/24), eLearning Assignment for use of force, search & seizure, and bias-free policing (10/23/24), and Bias-Free Policing for supervisors (11/20/24).

The Commission's work merits an increase in compliance for this paragraph to Operational Compliance because of its frequent and diverse community meetings, work in reviewing bias-free policing trainings, and its overall commitment to bias-free policing oversight.

3. Paragraph 18a, CPC Authority to Review CDP Policies and Practices

Paragraph 18a provides that the Commission has the authority to “review and comment on CDP’s policies and practices related to use of force, search and seizure, and data collection and retention.” On November 2, 2021, Cleveland voters passed Ballot Initiative 24, which amended the Cleveland Charter to include Section 115-5. Under this new provision, the Community Police Commission “shall have final authority over police policies, procedures, and training regimens,” thereby extending the Commission’s authority beyond mere review and commentary. Since the Commission’s authority now surpasses the requirement of Paragraph 18a, the City submits that the current Partial Compliance status should be upgraded to General Compliance.

4. Paragraph 19, CPC Access to Information

Through ongoing CPC workgroup meetings between the City, Monitoring Team, and Department of Justice, the City has decreased the amount of time to fulfill requests for information from the CPC. Additionally, this work group has created a better working relationship between the City and CPC and allows for more communication between the entities regarding the specifications and expectations of the CPC’s requests and the City’s ability to fulfill their requests. Based on the above definition of Operational Compliance, the City believes the reform measures of Paragraph 19 are practiced operationally within the CPC and merit an upgrade.

5. Paragraph 23, Quarterly District Policing Committee Meetings

This paragraph requires multiple stakeholders within the City to work with the DPCs to ensure that regular communication occurs between CDP and local community leaders. Further, these DPCs are required to meet on a quarterly basis as a minimum.

The DPCs are led in partnership by a community member and a CDP representative, often the District Commander or their designee. The organization and structure of these DPCs is consistently supported by district liaisons from the Community Relations department. There are regular presentations from various City and County departments, including Building & Housing, Prosecutor’s Office, Crime Stoppers, Fire, and EMS.

Each DPC meets on a monthly basis: District 1 meets on the first Tuesday of the month, District 2 meets on the second Tuesday of the month, District 3 meets on the third Tuesday of the month, District 4 meets on the fourth Wednesday of the month, and District 5 meets on the third Wednesday of the month.



District 1	District 2	District 3	District 4	District 5
7/2/24	7/9/24	7/16/24	7/24/24	7/17/24
8/6/24	8/13/24	8/20/24	8/28/24	8/21/24
9/5/24	9/10/24	9/17/24	9/25/24	9/18/24
10/3/24	10/8/24	10/15/24	10/23/24	10/16/24
11/7/24	11/12/24	11/19/24	No meeting	11/20/24
No meeting	12/10/24	No meeting	No meeting	No meeting

Based on the above definition of Operational Compliance, the City believes the reform measures of Paragraph 23 are practiced operationally within the City and merit an upgrade.

6. Paragraph 26, Annual DPC Presentation

Paragraph 26 requires each DPC to annually present to the CPC on strategies to address crime and safety issues within their respective districts.

Members from CDP, CPC, and Community Relations worked to plan this meeting for the end of the 2024 calendar year. However, a decision was made to postpone the meeting to January 2025 to give an opportunity for the incoming commissioners to be part of the meeting. Although this meeting did not occur before the end of 2024 and occurred before only four Commissioners, the City appreciates the Monitoring Team's promise to consider these matters compliant for this meeting.

CDP worked closely with the Community Relations district liaisons to prepare for the presentations while the CPC assisted in identifying a location for the meeting and coordinating with TV20 so a live stream of the event was possible. The event took place on 1/29/25 and drew a crowd of a mix of City representatives, including CDP, PAT, CPC, Community Relations, OPS, City Council, and community members.

Based on the above definition of Operational Compliance, the City believes the reform measures of Paragraph 26 are practiced operationally within the City and merit an upgrade.

7. Paragraph 29, Officer Familiarity with Geographic Location

CDP is committed to ensuring that officers become familiar with the districts and zones in which they serve. Built into the Division's FTO program, these supervising officers are expected to teach, test, and evaluate their probationary patrol officer's knowledge in a number of areas. One to note is location testing where FTOs will ask their PPOs where specific locations within the area they patrol are or how to get to certain places within the district.



Further, FTOs are expected to evaluate and rate PPOs based on certain guidelines outlined in the FTO manual. Within the “Patrol Procedures” portion of these evaluations, PPOs are evaluated on their ability to properly orient themselves within their assigned District on a 3 point scale from “Needs Improvement” to “Exceeds Expectations”. To meet the “Exceeds Expectations” rating, PPOs must demonstrate their knowledge in main & secondary roads, zones and sector boundaries, changing traffic patterns, and not need to rely on a map or GPS to navigate.

Separate from FTO training, officers are able to utilize readily available resources, called “street cards” that detail services for behavioral health support, veterans support, homelessness support, and more. Officers also have cards designed to help communication between themselves and deaf or hard of hearing citizens. Based on the above definition of Operational Compliance, the City believes the reform measures of Paragraph 29 are practiced operationally within CDP.

8. Paragraph 30, CPOP Annual In-service Training

The City believes an upgrade in compliance for Paragraph 30 from Non-Compliance to at least Partial Compliance is warranted as CDP continues to satisfy the key components of this paragraph annually. CDP completed the initial Community and Problem Oriented Policing training of its officers in 2018. The training was approved by the Monitoring Team and known as the “Community Engagement and Problem Solving (CEPS)” training. CDP delivered the training again to its members in 2019, 2023, and to all new recruits as they are trained in the police academy.

In addition to the initial CPOP training, CDP also worked on revamping the annual CPOP in-service training for its members during this reporting period. CDP’s Training Section worked extensively with the Division’s technical assistance partners, Jensen Hughes, and the Monitoring Team to develop a draft of the 2025 in-service training that is scheduled to be delivered to the officers in the third or fourth quarter of 2025. A final draft of this training will be circulated among the DOJ and Monitoring Team by the end of the first quarter of 2025.

This commitment to initial and annual in-service CPOP training should not go unnoticed by the Monitoring Team. CDP’s efforts under this paragraph meet at least the Monitoring Team’s definition of Partial Compliance because the Division made significant strides to implement key components of the paragraph into their draft 2025 lesson plan, which has already received feedback from two Monitoring Team subject matter experts.



9. Paragraph 42, Annual In-Service Bias Free Training

This paragraph requires CDP to provide annual in-service training on bias-free policing. The Division has consistently provided bias-free policing training to officers through both eLearning assignments and in-person training sessions, which included reality-based scenario training.

In-service training has routinely occurred since 2019. This training was delivered on its own through 2021. In 2022, there was an addition of a cultural humility curriculum developed by the State. To ensure that officers do not think of bias-free policing as a stand-alone topic, bias-free policing principles are embedded throughout other training topics, such as use of force and search & seizure. This is especially evident through the scenario trainings. The Division's bias-free policing policy is additionally reinforced through the eLearning assignments.

Based on the above definition of Operational Compliance, the City believes the reform measures of Paragraph 42 are practiced operationally within the City and merit an upgrade.

10. Paragraph 116, Force Investigation Team Administrative Investigations

The City is in Operational Compliance with the requirements of Paragraph 116 because it has an active policy that requires FIT to conduct a parallel administrative investigation if it refers a criminal investigation to an outside agency. The 2018 Court-approved FIT Manual explicitly states in (IV)(C)(6) and (V)(A)(2)(a) that the FIT conducts the administrative investigation even if an outside agency conducts the criminal:

The BSI Commander will be responsible for ensuring that the criminal investigation is conducted by a "criminal team" which shall be led by the Homicide Unit OIC or their designee or investigators from an outside agency. The FIT administrative team, led by the IA OIC will retain responsibility for the concurrent administrative investigation.

There is no need for the Monitoring Team to conduct an assessment to judge compliance with this paragraph because its language is not subjective. The key language in Paragraph 116 hinges on whether CDP has implemented a policy of this type. Specifically, "CDP will develop and implement policies to ensure that..." A strict reading of the paragraph means that compliance for this paragraph should be based on whether or not the City has implemented the policy – which it has.

The City deserves a compliance upgrade from Partial Compliance to Operational Compliance with paragraph 116 because it has done exactly what the paragraph demands. It has implemented a policy that requires FIT to conduct an administrative investigation, even if it refers its criminal investigation to an outside agency.



11. Paragraph 121, Force Investigation Team Preliminary Report

The City's work under Paragraph 121 merits a compliance upgrade from Partial Compliance to Operational Compliance. This paragraph requires the FIT Leader to complete a preliminary report for the Chief as soon as possible, no later than 24 hours after learning of the use of force (absent exigent circumstances).

This language can be found in section (C)(1)(f) of the current FIT manual. During the reporting period, there were 6 FIT cases. For 5 of the 6 cases, a preliminary report was sent to the Chief through the IA Superintendent within 24 hours of the incident. One case was a delayed notification to IA, for which a preliminary report was sent to the Chief within 24 hours of learning of the use of force.

CDP has operationalized this requirement and has included language in Section (C)(1)(F) of the FIT Manual in conformity therewith.

12. Paragraph 122, Force Investigation Team administrative investigation procedure

The City's work under Paragraph 122 merits a compliance upgrade from Non-Compliance to Operational Compliance. This paragraph requires that FIT investigations be completed within 60 days or have a written justification for an extension approved by the Chief of Police, especially when awaiting information from an outside agency. This provision allows for case investigations of indefinite length with sufficient explanation and authorization.

As the Monitoring Team is aware, operational changes were made in August 2023 following the 2023 FIT Assessment to address procedural shortcomings. FIT administrative investigations prior to the implementation of these changes frequently extended past the 60 day requirement without an approved extension. Since the changes implemented in August 2023, only 2 of 31 FIT investigations did not meet the requirements of this paragraph.

Based on this self-assessment, there is sufficient evidence to demonstrate that a Non-compliance rating does not accurately reflect the work completed by the FIT. Operational changes were made to allow FIT to technically comply with the requirements of the paragraph and is clearly practiced operationally within the Division.



13. Paragraph 126, Force Review Board Procedure

The City's work under Paragraph 126 merits a compliance upgrade from Partial Compliance to Operational Compliance. This paragraph requires the FRB to conduct comprehensive and reliable reviews, which are not limited in scope to just assessing an officer's decision-making during the use of force but serves as a holistic review of the incident through the supervisory review of the investigation.

As observed by the Monitoring Team, the FRB checklist completed by the board after their review of a case methodically works through the requirements of this paragraph. Board members are asked to answer specific questions regarding the circumstances leading up to the use of force, including whether or not de-escalation tactics were used, whether tactics and decision making negatively impacted the need to use force, and if tactics and decision making were in line with CDP training.

Board members are also required to administratively approve or disapprove multiple aspects of the investigation, including decision making and tactics, the objectivity, reasonableness, necessity, and proportionality of the use of force, the incident supervision, and the reporting and investigation. The checklist also requires board members to answer whether or not the medical response by the officer complied with division policy, and to identify any potential deficiencies with the response when applicable.

Lastly, board members do not complete a review of a case without considering whether there were any actions by involved personnel that warrant commendations.

14. Paragraph 128, Force Review Board Review of Investigation Quality

This paragraph requires FRB to assess the quality of investigations which they review as well as identify and document any deficiencies. During the reporting period, there were 5 FRB hearings with 19 cases reviewed. A checklist is completed after the review of every case, which include the following questions: "Was the final investigation objective and complete?" & "Were the investigation's conclusions supported by a preponderance of the evidence?". Following these questions, the Board is required to administratively approve or disapprove the incident reporting and investigation.

Further, the board is asked to list any policy, training, equipment, supervisory, or medical deficiencies that were raised by the incident, as well as identify any issues with the underlying investigation. To ensure that these deficiencies are followed up, the board creates referrals that are assigned to specific personnel to address as well as when a response is due.

These referrals are tracked via a PowerBI dashboard available to board members which lists the total incidents and referrals, separates the referrals by category, and highlights the actions taken as tracked in IAPro. This thorough approach guarantees that all investigations meet the highest standards of integrity and effectiveness and deficiencies noted are appropriately routed and followed-up on. As demonstrated, the City's work under Paragraph 128 demonstrates a compliance upgrade from Partial Compliance to Operational Compliance.

15. Paragraph 179, Internal Affairs Investigator Qualifications

The City has engaged with the Monitoring Team to determine how to best showcase compliance with the requirements of this paragraph. A memo detailing the process for selecting IA investigators was produced and included three Divisional Notices which advertised the open IA positions.

Following this memo, the Monitoring Team requested additional information to accurately assess the City's compliance with the objectives of this paragraph. The City provided a guiding document detailing the responsive documents produced for the request as well as additional documentation for review.

Based on the supporting documentation previously produced, the City believes that the requirements of this paragraph are practiced operationally within the Division when vacancies arise within the IA unit.

16. Paragraph 201, Promotion of Complaint Filing

The City's efforts to comply with Paragraph 201 of the Consent Decree go beyond what the Monitoring Team has designated as "Partial Compliance." CDP, OPS, and CPC ensure that OPS Complaint Forms are available at every police district, as well as at both the OPS and the CPC headquarters. Citizens also have various options for filing complaints: they can do so through the City's website, via phone, email, in person, or by fax. The OPS brochure, which is distributed at community meetings and events, explains the complaint filing process, outlines OPS' authority, provides information about the Civilian Police Review Board, and presents the complaint process in a way that is easy to understand for those unfamiliar with the City's police discipline procedures.

Specifically, this past reporting period OPS has presented materials and met with community members at events like Cleveland Pride (Jun. 1, 2024), Larchmere Rock the Blocks Festival (Jun. 9, 2024), VegFest (Jun. 22, 2024), the Mayor's Night Out Against Crime (Aug. 6, 2024), the Third District Touch-a-Truck Safety Fair (Aug. 12, 2024), the Family, Fun, & Fitness Fair (Sept. 14, 2024), and the Grandparents' Family Day Fair (Sept. 21, 2024). Further,

the CPC hired a Community Engagement Coordinator during this reporting period, and she frequently attends events alongside the OPS and CDP community engagement teams to inform community members on how to file a police complaint.

The demonstrated partnership between CDP, OPS, and the CPC demonstrates Operational Compliance with Paragraph 201 of the Consent Decree. These efforts exceed the Monitoring Team's definition of "Partial Compliance," which refers to policies and procedures that exist only on paper. CDP, OPS, and CPC are actively engaging the community, rather than just developing policies to promote awareness of the complaint process. While improvements are still needed, the City's actions align more closely with Operational Compliance due to the inter-agency planning, visible complaint processes, and community engagement work at events that effectively promote the police complaint process.

17. Paragraph 223, OPS Consideration of All Evidence

The City is anticipating a significant number of paragraph compliance upgrades due to the Court's recent approval of the new OPS and CPRB Manuals. Paragraph 223 is an example of an OPS paragraph the Monitoring Team should upgrade to Operational Compliance from Partial Compliance. Not only does the Court-approved OPS Manual contain the verbatim language of this paragraph as a requirement at (406), OPS has also operationalized this requirement in its OPS Inspection Plan and created a training manual that incorporates it.

Further, the CPRB ensures investigations they believe to be missing relevant evidence are sent back to OPS for further investigation. Examples of this can be seen during CPRB meetings whereby the CPRB sends back OPS cases to ask for more relevant evidence. Like other OPS paragraphs in Operational Compliance, the Monitoring Team does not need a formal assessment before upgrading the compliance rating for 223 when the City's progress is evident in Court-approved policies and on display in publicly accessible CPRB hearings. "Partial Compliance" no longer adequately describes the City's work under Paragraph 223.

18. Paragraph 226, OPS Determination of Policy Violation

The Monitoring Team should upgrade the compliance rating for Paragraph 226 from Partial Compliance to Operational Compliance because OPS has a court-approved policy that affirms the requirements of the paragraph and demonstrates them in an open forum. There is no need for the Monitoring Team to perform a formal assessment before upgrading the compliance rating for this paragraph because they can see the policy in action during recorded CPRB hearings. (406) of the OPS Manual states,

[i]n addition to determining whether a CDP employee engaged in the conduct alleged in the complaint, and whether that conduct violated policy, procedure, or training,



OPS may include recommendations on the following: 1) Is there a need for additional training, counseling, or other corrective measures? 2) Should CDP revise its policies, strategies, tactics, or training?

Incorporating key language from Paragraph 226 into the OPS Manual demonstrates the City's significant progress in technically meeting the requirements of this paragraph, similar to what the Monitoring Team defines as Operational Compliance.

The Monitoring Team does not need a formal assessment to upgrade the compliance rating for Paragraph 226. They can observe OPS implementing this requirement by simply watching CPRB Meetings. For instance, [at the 2:06:00 mark of the December 10, 2024, meeting](#), an OPS Investigator proposed that officers activate their WCS when making phone calls to the public about police matters. This would change the current policy, which only requires WCS activation for investigative calls.

The Court-approved manual, this observable example, and others in CPRB meetings prove OPS investigators can and do consider whether (a) the police action complied with training and legal standards, (b) the incident indicates a need for additional training, counseling, or other corrective measures; and (c) the incident suggest that CDP should revise its policies, strategies, tactics, or training. Labeling the compliance rating as Partial Compliance is not appropriate for work that the City is effectively executing under a Court-approved policy aligned with the key language of a paragraph. Therefore, the City requests an upgrade to at least Operational Compliance.

19. Paragraph 253 & 254, Public Safety Inspector General Duties, Investigations, Analysis, and Reports

Paragraphs 253 and 254 require that the Police Inspector General has authority to conduct investigations, analyze trends, and issue reports and recommendations at the request of the Chief of CDP or the Mayor, while permitting the Commission to recommend additional areas of inquiry. In accordance with these requirements, the City of Cleveland filled the Public Safety Inspector General (PSIG) position, with the PSIG beginning on December 16, 2024. [The official job posting](#) details the investigative and oversight functions inherent in the position, and [the Office of Inspector General webpage](#) includes past reports issued by previous Inspectors General, reflecting the breadth of the PSIG's authority being practiced. These steps support an upgrade from Partial Compliance to Operational Compliance for Paragraphs 253 and 254.

20. Paragraph 255, Public Safety Inspector General Budget

Paragraph 255 of the Consent Decree requires that the Inspector General's budget appear as a separate line item in the annual budget proposal and mandates the Monitor's assessment of whether the allocated funding affords sufficient independence and resources. Since 2023, the City of Cleveland has included the Inspector General's budget as a discrete line item in the official budget book (See [City of Cleveland 2023 Budget Book](#) & [City of Cleveland 2024 Budget Book](#)). The City also filled the Public Safety Inspector General position, and the PSIG began working on December 16, 2024. These actions represent a significant advancement toward meeting the obligations set forth in Paragraph 255, and warrant a revision of the City's current compliance status from Partial Compliance to General-Compliance.

21. Paragraphs 284, Field Training Program

CDP's Field Training Program has historically been left in the Non-Compliance or the Evaluation Deferred classifications since the implementation of the Consent Decree. These designations are unfounded and misrepresent CDP's robust Field Training Program. CDP's Field Training Program meets the Consent Decree's standards and continues to improve with each iteration.

CDP's efforts in updating GPO 1.1.24 – Field Training Program (Jan. 4, 2014) this quarter are clear examples of the Division's focus on continuously improving the program. The update to the GPO will further cement the program within the confines of the Consent Decree and will be sent to the Monitoring Team and DOJ in the first quarter of 2025 for their review. While the City acknowledges there is more work to be done under the program, it seeks upgrades to at least Partial Compliance for all of the paragraphs that concern the Field Training Program.

Partial Compliance is an appropriate compliance rating because CDP outlines the essential elements of the relevant paragraphs in the program's policies, manuals, and evaluation documentation, and the program is fully operational. Non-Compliance is an inappropriate rating for a program that is fully operational and materially meets the elements of Consent Decree. Its GPO's and annual implementation demonstrate "sufficient initial strides or sufficient partial progress toward a material number of key components of the provision of the Consent Decree."

CDP implemented the latest update to GPO 1.1.24 – Field Training Program (Jan. 4, 2014) and its accompanying manual in January 2014. The GPO and manual describe the Field Training program as a five-phase training process for probationary employees ("PPO's") to shadow



and have their initial performance overseen by a certified Field Training Officer (“FTO.”) This structure is further supervised by a Field Training Sergeant (“STO.”)

Paragraph 284, as an example, focuses heavily on the attraction and selection of FTO’s for the program. It requires CDP’s policies to (1) delineate criteria and methodology for FTO & STO selections; (2) account for Collective Bargaining Agreements with unions when selecting FTO’s & STO’s; and (3) have the selection criteria and methodology for FTO’s & STO’s include (a) written applications, (b) performance evaluations, (c) previous performance as police officers, and (d) complaint and disciplinary histories. CDP’s G.P.O. 1.1.24 meets these requirements and is being further improved to clarify compliance.

Specifically, Part II of GPO 1.1.24 outlines the selection process for FTO’s at CDP. According to the policy, CDP issues a DN for FTO candidates at least once a year. Interested candidates must submit a written application, along with two references from their direct supervisors, and recommendations for their appointment, which should be approved through their chain of command.

The Field Training Coordinator presents the applications, along with relevant background information about each candidate, such as their disciplinary history, sick leave usage, and performance evaluations, to the Field Training Committee for review. This Committee is composed of the Field Training Coordinator, a member from Field Operations, a representative from Training, and representatives from both the Fraternal Order of Police and the Cleveland Police Patrolmen’s Association.

As demonstrated, the GPO encapsulates all of the key elements contained in paragraph 284. The GPO: (1) describes criteria and methodology, (2) incorporates two union representatives into the Committee, and (3) includes specific review criteria like written applications, performance evaluations, past performances and discipline history for FTO and STO selections. As way of an example, the City has provided an Officer’s supporting documentation to provide the Monitoring Team insight into how a candidate moves through the FTO approval process.

CDP’s FTO recruitment and selection process merits at least a Partial Compliance designation because the selection process is operational and meets all the material elements of Paragraph 284. It (1) has criteria and a methodology for selection, (2) partners with unions to select the best candidates, (3) and includes a review of the materials identified in the paragraph: (a) written applications, (b) performance evaluations, (c) past performances, and (d) discipline history. As described, a Non-Compliance designation does not adequately reflect the years of work CDP has put into this program and affects overall morale.



22. Paragraph 293, Equipment and Resource Plan

The City completed an Equipment and Resources Strategic Plan that was previously filed with the Court. This Plan assessed CDP's needs and priorities to perform the routine functions of a police department and address the requirements of the Settlement Agreement. Specifically, the plan reviews the records management system, computer aided dispatch, technology governance, mobile technology, district technology, administrative/management applications, and the potential for a patrol vehicle modernization plan. Furthermore, the City has created summaries to continuously update the plan as more steps are implemented and time has passed.

Based on the above definition of General Compliance, the City believes the reform measures of Paragraph 156 are practiced operationally and sustained over time within CDP.

23. Paragraph 295, Implementation of Equipment and Resource Plan

The Equipment and Resource Plan has previously been reviewed and approved by the Monitoring Team and DOJ. The City has implemented the plan and is now focusing on sustainability and analyzing where future improvements can be made. Based on the above definition of General Compliance, the City believes the reform measures of Paragraph 156 are practiced operationally within CDP.

24. Paragraph 299, Employee Assistance Program

Paragraph 299 of the Consent Decree mandates that CDP implements an effective Employee Assistance Program (EAP) to ensure officers have access to mental health and support resources for the promotion of effective and constitutional policing. Paragraph 299 merits an upgrade from Partial Compliance to Operational Compliance because CDP has established an Employee Assistance Unit (EAU) that encompasses a wide range of initiatives aimed at supporting officers' mental health and overall wellness.

Key offerings include department-wide peer support, equine therapy, a support K9 named Apollo who attends weekly roll calls at various districts, and a First Responders Peer Support program. Additionally, the EAU provides a post-traumatic stress program, as well as other services and resources regularly communicated to officers through pamphlets that are distributed across districts.

Further enhancing its commitment to officer well-being, the City of Cleveland has partnered with Affinity Empowering to launch the "Ready" app. This health and wellness app, designed specifically for first responders, incorporates features such as education,



progress tracking, and goal-setting to further promote the physical and mental health of CDP officers.

Given these substantial steps taken by the City in the creation and operationalization of the Employee Assistance Unit and its innovative partnership with Affinity Empowering, the City has made significant progress in meeting the requirements of Paragraph 299. Based on the above definition of Operational Compliance, the City believes the reform measures of Paragraph 299 are practiced operationally within CDP. As such, the City requests an upgrade from Partial Compliance to Operational Compliance.

25. Paragraph 323, Supervisor Training

This paragraph requires mandatory supervisory training for all new and current supervisors. A supervisor training was provided in 2020 called “Foundations of Leadership” to all Division supervisors. This training was approved by the Monitoring Team in 2019 and is consistently provided to all newly promoted supervisors during in-person sessions.

The Division also developed a “Coaching Police Leaders” eLearning assignment to refine the understanding of the role of a supervisor, effective coaching and communication techniques, and recognizing the need to coach officers. The Division has also worked closely with POLIS Solutions to develop supervisory training. They have assisted the Division in this training development since 2023.

Over the years, CDP has worked to not only provide supervisory training, but consistently improve the quality and comprehensiveness of this training. The work the Division has completed should merit an increase in compliance from Partial to Operational Compliance because the Division operationally practices Paragraph 323’s requirements.

26. Paragraph 328, Officer Intervention Program Database

The City seeks an upgrade in the compliance rating for Paragraph 326 from Non-Compliance to Partial Compliance. In 2024 the City began a partnership with Benchmark Analytics, an entity that uses a series of predictive models and algorithms that identify patterns of officer conduct that lead to at-risk behavior in policing, to comply with the requirements outlined in Paragraph 328.

Benchmark’s system uses estimates from a data-driven algorithm to predict risk of on-duty and off-duty misconduct. More specifically, it predicts an officer’s future risk of serious misconduct based on their past record of activity and complaints against them. The system will help CDP identify supportive resources like training and mental health services that should be made available to those officers before problems manifest.



Since signing the contract in September of 2024, the City and Benchmark hosted a preliminary meeting on November 6, 2024, and have met weekly since then. Per the proposal, Benchmark has predicted the go-live date for the program to be in September 2025. The signing of the contract, the preliminary and weekly meetings, and the scheduled go-live date puts the City into Partial Compliance with the paragraph's requirements because they evidence sufficient initial strides towards meeting a material number of the paragraph's key elements.

As described in the contract, this OIP will comply with all the requirements of Paragraph 328 and its implementation is underway. Non-Compliance no longer accurately describes the City's progress towards complying with this paragraph.

27. Paragraph 339, Supervisor Body Camera Audits

The City's efforts in addressing Paragraph 339 exceed the Monitoring Team's Partial Compliance designation. The issuance, implementation, and rigorous practice of supervisory Wearable Camera System (WCS) review, as specified in G.P.O 4.06.04 – Wearable Camera System (Jan. 1, 2020), clearly illustrates that CDP has not only made initial strides but has significantly advanced fulfilling the critical components of the paragraph. The consistent supervisory review and auditing of Officer WCS footage establishes that the compliance classification for this paragraph now reaches at least the Operational Compliance level.

As required by Paragraph 339, Supervisors (1) randomly and, by direction, audit WCS of subordinate officers; (2) and use the WCS audits to (a) confirm policy compliance, (b) identify areas for additional training, (c) and evaluate their officers. G.P.O 4.06.04(V)(A) specifies, “[s]upervisors shall conduct adequate and direct reviews of WCS recordings created by officers under their command to confirm compliance with Cleveland Division of Police policy and to identify areas where additional training or guidance is needed.”

The GPO outlines a quarterly review of the WCS that Lieutenants and Captains must complete. During this review, officers—including Patrol Officers, Sergeants, and Lieutenants—have thirty minutes of their client-facing WCS recordings assessed for compliance with policies, disciplinary issues, and potential retraining. To further improve this procedure, starting in 2025, the City will transition these reviews to BlueTeam to reduce paper usage, better organize reports, and enable quicker access to completed reports.

The City consistently operationalizes the requirements set out in Paragraph 339. To illustrate this, the City provides a copy of the quarterly 2024 WCS audits for Lieutenants and Captains that have been finalized to date. These documents, alongside G.P.O 4.06.04, prove that the Monitoring Team has misclassified the City's progress in addressing Paragraph 339 as Partial Compliance.

Bielat, Martin

From: Wilhelm, Abby Jae <abby.wilhelm@hoganlovells.com>
Sent: Tuesday, April 1, 2025 11:33 AM
To: Anderson, Leigh; Johnson, Carlos; Froliklong, J. Jackson (USAOHN); Racine, Karl; Yonekura, Stephanie; Christine Cole; O'Brien, Katie
Cc: Griffin, Mark; Thomas, Delante; Macias, Hannah; Bielat, Martin; Washington, Nekoia; Kumar, Suraj (CRT); Davis-Rodak, Emma (CRT); Fitzgerald, Patricia M. (USAOHN); Coromelas, Acrivi (CRT); DeCaro, Sara (USAOHN); Fields, Melody (CRT); Evanovich, Michael (USAOHN) [Contractor]
Subject: RE: Request for Data & Methodology – Compliance Determinations

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Hi Dr. Anderson,

Happy to discuss. I am available at your convenience via cell. Or, as noted in my March 27 email, **the Monitoring Team will meet with the City at a mutually beneficial time [this] week should it wish to better understand the Monitoring Team's rational relative to its ratings** at which point we could also discuss this misunderstanding as well.

Separately, we want to provide both Parties an extension on the Semiannual Report feedback. Please submit by April 9 at 5pm ET.

Best,
Abby

From: Anderson, Leigh <LAnderson2@clevelandohio.gov>
Sent: Monday, March 31, 2025 9:46 AM
To: Wilhelm, Abby Jae <abby.wilhelm@hoganlovells.com>; Johnson, Carlos <CJohnson2@clevelandohio.gov>; Froliklong, J. Jackson (USAOHN) <Joseph.Froliklong@usdoj.gov>; Racine, Karl <karl.racine@hoganlovells.com>; Yonekura, Stephanie <stephanie.yonekura@hoganlovells.com>; Christine Cole <christinecole919@gmail.com>; O'Brien, Katie <katie.obrien@hoganlovells.com>
Cc: Griffin, Mark <MGriffin@clevelandohio.gov>; Thomas, Delante <dthomas3@clevelandohio.gov>; Macias, Hannah <HMacias@clevelandohio.gov>; Bielat, Martin <MBielat@clevelandohio.gov>; Washington, Nekoia <NWashington@clevelandohio.gov>; Kumar, Suraj (CRT) <Suraj.Kumar@usdoj.gov>; Davis-Rodak, Emma (CRT) <Emma.Davis-Rodak@usdoj.gov>; Fitzgerald, Patricia M. (USAOHN) <Patricia.Fitzgerald2@usdoj.gov>; Coromelas, Acrivi (CRT) <Acrivi.Coromelas2@usdoj.gov>; DeCaro, Sara (USAOHN) <Sara.DeCaro@usdoj.gov>; Fields, Melody (CRT) <Melody.Fields@usdoj.gov>; Evanovich, Michael (USAOHN) [Contractor] <Michael.Evanovich@usdoj.gov>
Subject: Re: Request for Data & Methodology – Compliance Determinations

[EXTERNAL]
Greetings Abby,

Many thanks for your message - I hope you had a great weekend!

I think there are some slight misunderstandings here, which I believe can be settled quick easily; as I am not understanding the MT's deduction that the City is requesting downgrades.

In Truth and Service,

Leigh R. Anderson, PhD., MPA-IG, CIGA, CIGE
Executive Director
Police Accountability Team
City of Cleveland, Ohio
Desk Phone: 216-664-2951
Email: landerson2@clevelandohio.gov

"In any moment of decision, the best thing you can do is the right thing, the next best thing you can do is the wrong thing, and the worst thing you can do is nothing." -Theodore Roosevelt

From: Wilhelm, Abby Jae <abby.wilhelm@hoganlovells.com>
Sent: Monday, March 31, 2025 9:35:09 AM
To: Johnson, Carlos <CJohnson2@clevelandohio.gov>; Froliklong, J. Jackson (USAOHN) <Joseph.Froliklong@usdoj.gov>; Racine, Karl <karl.racine@hoganlovells.com>; Yonekura, Stephanie <stephanie.yonekura@hoganlovells.com>; Christine Cole <christinecole919@gmail.com>; O'Brien, Katie <katie.obrien@hoganlovells.com>
Cc: Griffin, Mark <MGriffin@clevelandohio.gov>; Thomas, Delante <dthomas3@clevelandohio.gov>; Anderson, Leigh <Landerson2@clevelandohio.gov>; Macias, Hannah <HMacias@clevelandohio.gov>; Bielat, Martin <MBielat@clevelandohio.gov>; Washington, Nekoia <NWashington@clevelandohio.gov>; Kumar, Suraj (CRT) <Suraj.Kumar@usdoj.gov>; Davis-Rodak, Emma (CRT) <Emma.Davis-Rodak@usdoj.gov>; Fitzgerald, Patricia M. (USAOHN) <Patricia.Fitzgerald2@usdoj.gov>; Coromelas, Acrivi (CRT) <Acrivi.Coromelas2@usdoj.gov>; DeCaro, Sara (USAOHN) <Sara.DeCaro@usdoj.gov>; Fields, Melody (CRT) <Melody.Fields@usdoj.gov>; Evanovich, Michael (USAOHN) [Contractor] <Michael.Evanovich@usdoj.gov>
Subject: RE: Request for Data & Methodology – Compliance Determinations

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Good Morning, Carlos: I hope you had a nice weekend.

As to your first point, please re-read my final bullet where I state the Monitoring Team's position on the methodology you requested.

As to your second point, I want to check that I am reading the City's request correctly. I understand that the City believes no ratings can change unless a formal assessment is conducted. Since no formal assessment has been completed over the lifespan of the Consent Decree, this would necessitate every compliance rating be downgraded to "non-compliant" – is this really what the City wants? We continue to disagree with this interpretation of the Consent Decree and are also puzzled that the City is actively requesting this.

Best,
Abby

From: Johnson, Carlos <CJohnson2@clevelandohio.gov>
Sent: Friday, March 28, 2025 11:52 AM
To: Wilhelm, Abby Jae <abby.wilhelm@hoganlovells.com>; Froliklong, J. Jackson (USAOHN) <Joseph.Froliklong@usdoj.gov>; Racine, Karl <karl.racine@hoganlovells.com>; Yonekura, Stephanie <stephanie.yonekura@hoganlovells.com>; Christine Cole <christinecole919@gmail.com>; O'Brien, Katie <katie.obrien@hoganlovells.com>
Cc: Griffin, Mark <MGriffin@clevelandohio.gov>; Thomas, Delante <dthomas3@clevelandohio.gov>; Anderson, Leigh <Landerson2@clevelandohio.gov>; Macias, Hannah <HMacias@clevelandohio.gov>; Bielat, Martin

<MBielat@clevelandohio.gov>; Washington, Nekoiya <NWashington@clevelandohio.gov>; Kumar, Suraj (CRT) <Suraj.Kumar@usdoj.gov>; Davis-Rodak, Emma (CRT) <Emma.Davis-Rodak@usdoj.gov>; Fitzgerald, Patricia M. (USAOHN) <Patricia.Fitzgerald2@usdoj.gov>; Coromelas, Acrivi (CRT) <Acrivi.Coromelas2@usdoj.gov>; DeCaro, Sara (USAOHN) <Sara.DeCaro@usdoj.gov>; Fields, Melody (CRT) <Melody.Fields@usdoj.gov>; Evanovich, Michael (USAOHN) [Contractor] <Michael.Evanovich@usdoj.gov>

Subject: Re: Request for Data & Methodology – Compliance Determinations

[EXTERNAL]

Abby,

Happy Friday, and thanks for the summary of the 3/25 Bi-Weekly meeting. I think your summary missed the meeting portions where: (1) the Monitoring Team stated it would not send the City anything in response to its March 19, 2025, request for methodologies and data; (2) The DOJ and Monitoring Team believe that changes in levels of compliance in the Monitor Reports are not dictated by ¶375(b) and (e) of this agreement. Please revise your meeting summary to state these facts.

The City believes that per ¶351, the Monitoring Team can only change compliance ratings in semi-annual monitor reports by performing a Compliance Audit, Compliance Review, or an Outcome Measurement Assessment — all of which require methodologies pursuant to ¶371 & ¶ 375(c) & (e). The best time to have the conversations you're offering is after the City has reviewed the methodologies and data that support the Monitoring Team's conclusions in the 16th Semiannual Monitor Report. Respectfully, the City continues to maintain its 3/25 request and seeks a deadline of 4/3/25 for the data and methodologies it needs to understand the Compliance Reviews the Monitoring Team conducted in the 16th Semiannual Monitor Report.

Carlos Johnson Jr, Esq.

Assistant Director of Law

Police Accountability Team

City of Cleveland, Ohio

Desk Phone: 216-664-4328

Cell Phone: 216-577-3488

Email: cjohnson2@clevelandohio.gov

From: Wilhelm, Abby Jae <abby.wilhelm@hoganlovells.com>

Sent: Thursday, March 27, 2025 2:10 PM

To: Froliklong, J. Jackson (USAOHN) <Joseph.Froliklong@usdoj.gov>; Johnson, Carlos <CJohnson2@clevelandohio.gov>;

Racine, Karl <karl.racine@hoganlovells.com>; Yonekura, Stephanie <stephanie.yonekura@hoganlovells.com>; Christine Cole <christinecole919@gmail.com>; O'Brien, Katie <katie.obrien@hoganlovells.com>

Cc: Griffin, Mark <MGriffin@clevelandohio.gov>; Thomas, Delante <dthomas3@clevelandohio.gov>; Anderson, Leigh <LAAnderson2@clevelandohio.gov>; Macias, Hannah <HMacias@clevelandohio.gov>; Bielat, Martin <MBielat@clevelandohio.gov>; Washington, Nekoiya <NWashington@clevelandohio.gov>; Kumar, Suraj (CRT) <Suraj.Kumar@usdoj.gov>; Davis-Rodak, Emma (CRT) <Emma.Davis-Rodak@usdoj.gov>; Fitzgerald, Patricia M. (USAOHN) <Patricia.Fitzgerald2@usdoj.gov>; Coromelas, Acrivi (CRT) <Acrivi.Coromelas2@usdoj.gov>; DeCaro, Sara (USAOHN) <Sara.DeCaro@usdoj.gov>; Fields, Melody (CRT) <Melody.Fields@usdoj.gov>; Evanovich, Michael (USAOHN) [Contractor] <Michael.Evanovich@usdoj.gov>

Subject: RE: Request for Data & Methodology – Compliance Determinations

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Dear All:

Writing to briefly follow up and memorialize what was discussed at Tuesday's joint meeting with the Parties.

- The Monitoring Team appreciates the City's work in developing an advocacy document.
- The recent draft Semiannual Report reflects 16 upgrades and 3 downgrades.
- The Monitoring Team welcomes continued dialogue with the City around the Monitoring Team's recommendations for progress towards compliance, especially in the three (3) areas that received a downgrade of which the City is focused on. As a general matter, the Monitoring Team believes those discussions would be best in an ongoing, focused way as opposed to occurring on a one-time basis strictly within the Semiannual reporting period. **Nonetheless, the Monitoring Team will meet with the City at a mutually beneficial time next week should it wish to better understand the Monitoring Team's rational relative to its ratings.**
- The City may also indicate within the draft report where it feels it could benefit from further feedback and explanation as to upgrades, downgrades, or no movement in compliance ratings.
- The Monitoring Team does not view the Semiannual Report and formal compliance assessments in the same vein. When Consent Decree paragraph 375(c) indicates that our semiannual report should include "methodolog[ies] and specific findings...for each compliance review conducted" we view that to be in reference to formal compliance assessments conducted, not related to the semiannual report itself.

Best,
Abby

From: Froliklong, J. Jackson (USAOHN) <Joseph.Froliklong@usdoj.gov>

Sent: Monday, March 24, 2025 2:27 PM

To: Johnson, Carlos <CJohnson2@clevelandohio.gov>; Racine, Karl <karl.racine@hoganlovells.com>; Yonekura, Stephanie <stephanie.yonekura@hoganlovells.com>; Christine Cole <christinecole919@gmail.com>; O'Brien, Katie <katie.obrien@hoganlovells.com>; Wilhelm, Abby Jae <abby.wilhelm@hoganlovells.com>

Cc: Griffin, Mark <MGriffin@clevelandohio.gov>; Thomas, Delante <dthomas3@clevelandohio.gov>; Anderson, Leigh <LAAnderson2@clevelandohio.gov>; Macias, Hannah <HMacias@clevelandohio.gov>; Bielat, Martin <MBielat@clevelandohio.gov>; Washington, Nekoiya <NWashington@clevelandohio.gov>; Kumar, Suraj (CRT) <Suraj.Kumar@usdoj.gov>; Davis-Rodak, Emma (CRT) <Emma.Davis-Rodak@usdoj.gov>; Fitzgerald, Patricia M. (USAOHN) <Patricia.Fitzgerald2@usdoj.gov>; Coromelas, Acrivi (CRT) <Acrivi.Coromelas2@usdoj.gov>; DeCaro, Sara (USAOHN) <Sara.DeCaro@usdoj.gov>; Fields, Melody (CRT) <Melody.Fields@usdoj.gov>; Evanovich, Michael (USAOHN) [Contractor] <Michael.Evanovich@usdoj.gov>

Subject: RE: Request for Data & Methodology – Compliance Determinations

adding Abby and a few DOJ folks

Thanks for the heads up on this, Carlos.

Abby, DOJ proposes adding this topic to the agenda for tomorrow's call among the Parties. DOJ would like to learn more about the request.

Thanks,

JF

Jackson Froliklong
216-622-3818

From: Johnson, Carlos <CJohnson2@clevelandohio.gov>

Sent: Wednesday, March 19, 2025 4:02 PM

To: karl.racine@hoganlovells.com; Yonekura, Stephanie <stephanie.yonekura@hoganlovells.com>; Christine Cole <christinecole919@gmail.com>; O'Brien, Katie <katie.obrien@hoganlovells.com>

Cc: Griffin, Mark <MGriffin@clevelandohio.gov>; Thomas, Delante <dthomas3@clevelandohio.gov>; Anderson, Leigh <LAnderson2@clevelandohio.gov>; Macias, Hannah <HMacias@clevelandohio.gov>; Bielat, Martin <MBielat@clevelandohio.gov>; Washington, Nekoiya <NWashington@clevelandohio.gov>; Froliklong, J. Jackson (USAOHN) <Joseph.Froliklong@usdoj.gov>; Kumar, Suraj (CRT) <Suraj.Kumar@usdoj.gov>; Davis-Rodak, Emma (CRT) <Emma.Davis-Rodak@usdoj.gov>

Subject: [EXTERNAL] Request for Data & Methodology – Compliance Determinations

Good afternoon Monitoring Team,

Following up on our biweekly discussion, the City formally requests the underlying data and methodology used to determine the compliance changes for ¶¶ 198, 199, and 232 in the draft 16th semiannual report. Additionally, we request the underlying data and methodology used to determine that no compliance adjustments were applicable in this reporting period for ¶¶ 16, 17(b), 18(a), 18(b), 19, 23, 26, 29, 42, 116, 121, 126, 179, 200, 201, 223, 226, 255, 293, 295, 297, 299, 323, and 328, as these paragraphs were included in the City's Advocacy Document provided to the Monitoring Team on January 31, 2025. This request is made pursuant to Settlement Agreement ¶ 375(c). The City would recommend, and be amenable to the prioritization of the data/methodology of the compliance changes for ¶¶ 198, 199, and 232 in the draft 16th semiannual report.

Additionally, we request a meeting to discuss these paragraphs and the rationale behind the compliance level changes, or lack of changes that were advocated for. Given the importance of this information, we ask that the data and methodology be provided as soon as possible in order to potentially meet the April 7th deadline for response. If the Monitoring Team requires additional time to fulfill this request, the City is open to a joint agreement to extend the City's deadline to respond to the report to account for the need in receiving these materials.

Please confirm when we can expect to receive the requested information and your availability for a meeting. Many thanks in advance!

Carlos Johnson Jr, Esq.

Assistant Director of Law

Police Accountability Team

City of Cleveland, Ohio

Desk Phone: 216-664-4328

Cell Phone: 216-577-3488

Email: cjohnson2@clevelandohio.gov

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April 19, 2024

Via Electronic Mail

Dr. Leigh Anderson
Executive Director
City of Cleveland Police Accountability Team
601 Lakeside Ave.
Cleveland, OH 44114

Re: Notice of Crisis Intervention Compliance Assessment
United States of America v. City of Cleveland, 15-cv-01046-SO

Dear Dr. Anderson,

Pursuant to Consent Decree ¶¶ 360, 367, the Monitoring Team will conduct audits to determine whether the City of Cleveland (“City”) and Cleveland Division of Police (“CDP”) have complied with the requirements of the Consent Decree, as well as qualitative and quantitative assessments to measure whether implementation has resulted in constitutional policing. This letter constitutes official notice that on May 27, 2024, the Monitoring Team will begin a formal assessment of the City and CDP’s compliance with the Crisis Intervention (“CIT”) provisions of the Consent Decree, including assessment of the outcome measurements associated with CIT compliance (¶¶ 131-159; 367(b)). To complete its assessment, the Monitoring Team will utilize the CIT Methodology developed in consultation with both the City and the Department of Justice and attached hereto as **Exhibit A**.

The 2024 CIT Assessment will be conducted to ensure that the City and CDP’s CIT program is (a) assisting individuals in crisis; (b) improving the safety of officers, consumers, family members, and others within the community; (c) providing the foundation necessary to promote community and statement 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. (¶ 131).

Assessment Framework

As part of this assessment, each CIT-related provision of the Consent Decree will be given a Compliance Grade from 0 to 6, with 0 indicating that the City/CDP has not yet begun working on the provision and 6 indicating that the City/CDP has achieved substantial and effective compliance with that provision.

A. Incorporation of Semi-Annual Reviews And Reports

The Monitoring Team evaluates compliance with sections of the Consent Decree throughout the year and communicates its observations, assessments, and findings twice each year through its semi-annual reports (¶¶ 360, 375). These compliance reviews consider the totality of evidence presented and observed with respect to each provision of the Consent Decree, including review of policies and annual reports,

interviews and meetings with the City and CDP as well as Cleveland community groups, and observation of trainings and internal meetings.

As the City and CDP progress through the implementation phase of the Consent Decree, the Monitoring Team will conduct Compliance Assessments that build upon reviews conducted in advance of each semi-annual report. These Compliance Assessments will apply a Compliance Grading system (detailed below) in evaluating each provision of the Consent Decree, with the goal of the City/CDP achieving substantial and effective compliance for each provision.

In order to incorporate and build upon prior semi-annual compliance reviews and reports, the Monitoring Team will review the four most recent semi-annual reports in advance of the CIT Compliance Assessment. Any CIT-related provision that has been graded “general compliance” for more than two years (i.e., four consecutive reports) will be presumptively considered in substantial and effective compliance. For any such provision presumptively considered in substantial and effective compliance, the Monitoring Team will review the provision as part of its formal Compliance Assessment in order to validate its compliance grade. If the Compliance Assessment validates that provision as substantially and effectively compliant, the Monitoring Team will not re-assess that provision in future Compliance Assessments. The Monitoring Team will, however, continue to review and report on that provision in its semi-annual reports; if those reviews or reports suggest a downgraded change in status at any point, the provision will once again be incorporated into future Compliance Assessments.

B. Compliance Grading

As part of the Compliance Assessment, Subject Matter Experts (“SMEs”) on the Monitoring Team will review data, records, and documents pertaining to each CIT-related Consent Decree provision (§§ 131-159; 367(b)). Following this review and analysis, the SMEs will compare findings and collectively award Compliance Grades using the following framework:

Grade	Definition
0	Non-compliant, Not Started: The City/CDP has not yet complied with the relevant provision of the Consent Decree. This includes instances in which the City/CDP’s work or efforts have begun, but cannot yet be certified by the Monitoring Team as compliant with a material component of the requirement.
1	Partial Compliance, Not Assessed: The City/CDP has initiated the implementation phase for the requirement, but the Monitoring Team has not yet assessed the City/CDP’s progress in implementation. ¹
2	Partial Compliance, Planning/Policy Phase: The City and/or CDP has made sufficient initial strides or sufficient partial progress toward compliance with key components of the provision of the Consent Decree pertaining to drafting or creating

¹ If the Monitoring Team believes a provision cannot be assessed for a particular reason (e.g., lack of access to data/information required for evaluation, etc.), it will inform the City in advance of any planned Compliance Assessment. With respect to the CIT Compliance Assessment, the Monitoring Team anticipates assessing all CIT-related provisions (§§ 131-159; 367(b)) such that none are expected to be graded as “Partial Compliance, Not Assessed (1).”

	<p>policies, processes, protocols, trainings, systems, or the like that exist on paper but do not exist or function in day-to-day practice.</p>
3	<p>Partial Compliance, Implementation Phase: The City and/or CDP has made sufficient initial strides or sufficient partial progress toward compliance with key components of the provision of the Consent Decree pertaining to initiating training and implementing systems intended to affect day-to-day practice, but that the Monitoring Team has not yet observed in practice. It may capture a wide range of compliance states or performance, from the City or CDP having taken only very limited steps toward operational compliance to being nearly in operational compliance.</p>
4	<p>Operational Compliance: The City and/or CDP has made notable progress to technically comply with the requirement and/or policy, process, procedure, protocol, training, system, or other mechanism of the Consent Decree such that it is in existence or practice operationally—but has not yet demonstrated, or has not yet been able to demonstrate, meaningful adherence to or effective implementation, including across time, cases, and/or incidents. This includes instances where a given reform is functioning but has not yet been shown, or an insufficient span of time or volume of incidents have transpired, to be effectively implemented in a systemic manner.</p> <p>Operational compliance for a provision does not require that the City/CDP “pass” every metric for that provision, rather the Monitoring Team considers the City/CDP’s performance across all metrics, weighting them according to their importance to transforming CDP’s policing.</p>
5	<p>General Compliance: The City and/or CDP has complied fully with the requirement and the requirement has been demonstrated to be meaningfully adhered to and/or effectively implemented such that the Monitoring Team will begin tolling according to ¶ 401. This includes instances where it can be shown that the City or CDP has effectively complied with a requirement fully and systemically.</p> <p>General compliance for a provision does not require that the City/CDP “pass” every metric for that provision, rather the Monitoring Team considers the City/CDP’s performance across all metrics, weighting them according to their importance to transforming CDP’s policing.</p>
6	<p>Substantial and Effective Compliance: The City and/or CDP has complied fully with the requirement and the requirement has been demonstrated to be meaningfully adhered to and/or effectively implemented across time, cases, and/or incidents in accordance with ¶ 401 or ¶ 370. This includes instances where it can be shown that the City or CDP has effectively complied with a requirement fully and systemically.</p> <p>Substantial and effective compliance for a provision does not require that the City/CDP “pass” every metric for that provision, rather the Monitoring Team considers the City/CDP’s performance across all metrics, weighting them according to their importance to transforming CDP’s policing.</p>

Data, Document, and Record Requests²

The Monitoring Team requests that the City provide the following data, documents, and records pertaining to information dated January 1, 2023-December 31, 2023:

1. The current CDP job description for the Crisis Intervention Coordinator (§§ 137-142).
 - a. To the extent available, please include results from any officer satisfaction surveys or officer feedback provided on the CIT program during the relevant time period.
2. Mental Health Response Advisory Committee (“MHRAC”) related-documents from January 1, 2023-December 31, 2023, or a link to the website URL containing such information, including:
 - a. A list of MHRAC committee members, including their associated organizations/positions within the community, City, or CDP (§§ 132-133); and
 - b. Minutes from MHRAC meetings and all subcommittee meetings during the relevant time period (§§ 133-134, 139).³
3. Records, such as emails or written descriptions, demonstrating the Coordinator’s ongoing relationships or partnerships with program stakeholders such as advocates, individuals, families, caregivers, professionals, and others associated with the mental health community (§ 138).
4. Records demonstrating the dates, names of attendees, and length of training for Specialized CIT officers during the relevant period, including the training materials provided to the officers during each training and who led/conducted the training (§§ 141, 145-147).
 - a. This includes the names of all Specialized CIT officers as of December 31, 2023 along with their start (and end, if applicable) dates at CDP.
5. Records demonstrating the recruitment process for Specialized CIT officers, including documents showing CDP evaluation of the candidate's eligibility, fitness to serve, written application forms, supervisory recommendations, disciplinary files, and notes or documents from in-person interviews. Please also include any documents or communications demonstrating the CIT Coordinator and other supervisor efforts with respect to this process. (§§ 141, 145, 148, 149).
 - a. Per the CIT Methodology, if available documentation is not sufficient to assess compliance with the requirements of these paragraphs, the assessment may be supplemented with interviews of a sample of supervisors who can speak to the referral and selection process.
6. Records demonstrating how CIT officers, call-takers, and dispatchers have been recognized, honored, or awarded during the relevant time period, including the meeting notices and documents pertaining to the Purcell Award (§ 142).

² The Monitoring Team’s document review will not be limited to the materials requested. To the extent materials have been previously provided to the Monitoring Team, or are otherwise publicly available on the City/CDP/MHRAC’s website or court docket (e.g., MHRAC’s Annual Report (§ 135)), the Monitoring Team will access and review those materials as part of the assessment.

³ MHRAC’s website currently lists the committee members as of March 2024 (*see* https://clevelandhealth.org/assets/documents/health/MHRAC/MHRAC_members_3-15-2024.pdf) as well as minutes for all 2024 meetings. Because this assessment will review documents from 2023, the Monitoring Team seeks historical information as well.

7. Divisional notices of impending CIT trainings and classes (§§ 141, 143).
8. Records demonstrating the dates, attendees, and length of all CIT-related trainings during the relevant period, including the training materials provided during each training and the names of individual(s) who lead/conducted each training (§§ 143-144).
 - a. This includes all CIT-related trainings for CDP officers (§ 143) along with the total number of CDP officers as of December 31, 2023.
 - b. This includes all CIT-related trainings for new recruits in the Academy (§ 143) along with the total number of new recruits for the year as of December 31, 2023.
 - c. This includes all CIT-related trainings for dispatchers (§ 144) along with the total number of dispatchers as of December 31, 2023.
 - d. This includes all CIT-related trainings for Field Training Officers (§ 150) along with the total number of Field Training Officers as of December 31, 2023. To the extent this training is substantively the same as materials provided under Paragraph 4, please indicate as much.
9. A list of officers who served as supervisors during the relevant time period. To the extent possible, please include promotion/start dates for those elevated to supervisory positions during 2023 and end dates for those who departed CDP (§ 151).
10. A spreadsheet detailing all LERMS incident numbers from 2023 that are labeled as CIT incidents or that have an associated BRAZOS CIT form, including columns containing the associated data:
 - a. the CAD call type associated with the incident;
 - b. the race, age, and gender of the individual involved;
 - c. the shift and sector/neighborhood the incident occurred in;
 - d. notation of whether force was used;
 - e. notation of whether a CIT officer was present;
 - f. notation of whether a supervising officer was present; and
 - g. the disposition or outcome of the incident (arrest, citation, emergency room, etc.).
11. A spreadsheet detailing all CAD calls from 2023 with any of the following call types: (i) suicide threats; (ii) crisis intervention – nonviolent; (iii) mental – nonviolent disturbing; (iv) crisis intervention – violent; and (v) mental – violent, including the following information associated with each call gathered from LERMS:
 - a. the LERMS call type associated with the incident;
 - b. the race, age, and gender of the individual involved;
 - c. the shift and sector/neighborhood the incident occurred in;
 - d. notation of whether force was used;
 - e. notation of whether a CIT officer was present;
 - f. notation of whether a supervising officer was present; and
 - g. the disposition or outcome of the incident (arrest, citation, emergency room, etc.).

April 19, 2024

We request that the City and CDP provide the requested information detailed in **paragraphs 1-9 by May 15, 2024**. We request that the City and CDP provide the spreadsheet data requested in **paragraphs 10-11 by May 1, 2024**. This will enable the Monitoring Team to begin a pilot assessment designed to ensure efficacy of the survey methodology, reliability of the review process, and consistency across reviewers in advance of commencement of the comprehensive CIT Compliance Assessment.

We thank the City, CDP, and the PAT team in particular, for coordinating with the Monitoring Team to arrange a “walk through” of relevant data systems with our SMEs prior to commencement of the scheduled 2024 assessments.

Please do not hesitate to contact me with any questions or concerns regarding the assessment or these requests.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'KR' or similar initials, written in a cursive style.

Karl Racine
Independent Monitor



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Via Electronic Mail

Dr. Leigh Anderson
Executive Director
City of Cleveland Police Accountability Team
601 Lakeside Ave.
Cleveland, OH 44114

**Re: Notice of Search and Seizure Compliance Assessment
*United States of America v. City of Cleveland, 15-cv-01046-SO***

Dear Dr. Anderson,

Pursuant to Consent Decree ¶¶ 360, 367, the Monitoring Team will conduct audits to determine whether the City of Cleveland (“City”) and Cleveland Division of Police (“CDP”) have complied with the requirements of the Consent Decree, as well as qualitative and quantitative assessments to measure whether implementation has resulted in constitutional policing. This letter constitutes official notice that on August 9th, 2024, the Monitoring Team will begin a formal assessment of the City and CDP’s compliance with the Search and Seizure provisions of the Consent Decree, including assessment of the outcome measurements associated with Search and Seizure compliance (¶¶ 160-175; 367(b)). To complete its assessment, the Monitoring Team will utilize the Search and Seizure Methodology developed in consultation with both the City and the Department of Justice and attached hereto as **Exhibit A**.

The 2024 Search and Seizure Assessment will be conducted to ensure that CDP (a) conducts all investigatory stops, searches, and arrests with the goal of ensuring that they are conducted in accordance with the rights secured and protected by the Constitution and state and federal law (b) conducts investigatory stops, searches, and arrests fairly and respectfully as part of an effective overall crime prevention strategy that takes into account community values (¶ 160).

Assessment Framework

As part of this assessment, each Search and Seizure-related provision of the Consent Decree will be given a Compliance Grade from 0 to 6, with 0 indicating that the City/CDP has not yet begun working on the provision and 6 indicating that the City/CDP has achieved substantial and effective compliance with that provision.¹

A. Incorporation of Semi-Annual Reviews And Reports

The Monitoring Team evaluates compliance with sections of the Consent Decree throughout the year and communicates its observations, assessments, and findings twice each year through its semi-annual reports

¹ In setting compliance grades the Monitoring Team will consider evidence from prior semi-annual reports as well as the information requested herein.

(¶¶ 360, 375). These compliance reviews consider the totality of evidence presented and observed with respect to each provision of the Consent Decree, including review of policies and annual reports, interviews and meetings with the City and CDP as well as Cleveland community groups, and observation of trainings and internal meetings.

As the City and CDP progress through the implementation phase of the Consent Decree, the Monitoring Team will conduct Compliance Assessments that build upon reviews conducted in advance of each semi-annual report. These Compliance Assessments will apply a Compliance Grading system (detailed below) in evaluating each provision of the Consent Decree, with the goal of the City/CDP achieving substantial and effective compliance for each provision.

In order to incorporate and build upon prior semi-annual compliance reviews and reports, the Monitoring Team will review the two most recent semi-annual reports in advance of the Search and Seizure Compliance Assessment. Any Search and Seizure related provision that has been graded “general compliance” for more than one year (i.e., two consecutive reports) will be presumptively considered in substantial and effective compliance. For any such provision presumptively considered in substantial and effective compliance, the Monitoring Team will review the provision as part of its formal Compliance Assessment in order to validate its compliance grade. If the Compliance Assessment validates that provision as substantially and effectively compliant, the Monitoring Team will not re-assess that provision in future Compliance Assessments. The Monitoring Team will, however, continue to review and report on that provision in its semi-annual reports; if those reviews or reports suggest a downgraded change in status at any point, the provision will once again be incorporated into future Compliance Assessments.

B. Compliance Grading

As part of the Compliance Assessment, Subject Matter Experts (“SMEs”) on the Monitoring Team will review data, records, and documents pertaining to each Search and Seizure-related Consent Decree provision (¶¶ 160-175; 367(b)). Following this review and analysis, the SMEs will compare findings and collectively award Compliance Grades using the following framework:

Grade	Definition
0	Non-compliant, Not Started: The City/CDP has not yet complied with the relevant provision of the Consent Decree. This includes instances in which the City/CDP’s work or efforts have begun, but cannot yet be certified by the Monitoring Team as compliant with a material component of the requirement.
1	Partial Compliance, Not Assessed: The City/CDP has initiated the implementation phase for the requirement, but the Monitoring Team has not yet assessed the City/CDP’s progress in implementation. ²
2	Partial Compliance, Planning/Policy Phase: The City and/or CDP has made sufficient initial strides or sufficient partial progress toward compliance with key

² If the Monitoring Team believes a provision cannot be assessed for a particular reason (e.g., lack of access to data/information required for evaluation, etc.), it will inform the City in advance of any planned Compliance Assessment. With respect to the Search and Seizure Compliance Assessment, the Monitoring Team anticipates assessing all S&S-related provisions (¶¶ 160-175; 367(b)) such that none are expected to be graded as “Partial Compliance, Not Assessed (1).”

	components of the provision of the Consent Decree pertaining to drafting or creating policies, processes, protocols, trainings, systems, or the like that exist on paper but do not exist or function in day-to-day practice.
3	Partial Compliance, Implementation Phase: The City and/or CDP has made sufficient initial strides or sufficient partial progress toward compliance with key components of the provision of the Consent Decree pertaining to initiating training and implementing systems intended to affect day-to-day practice, but that the Monitoring Team has not yet observed in practice. It may capture a wide range of compliance states or performance, from the City or CDP having taken only very limited steps toward operational compliance to being nearly in operational compliance.
4	Operational Compliance: The City and/or CDP has made notable progress to technically comply with the requirement and/or policy, process, procedure, protocol, training, system, or other mechanism of the Consent Decree such that it is in existence or practice operationally—but has not yet demonstrated, or has not yet been able to demonstrate, meaningful adherence to or effective implementation, including across time, cases, and/or incidents. This includes instances where a given reform is functioning but has not yet been shown, or an insufficient span of time or volume of incidents have transpired, to be effectively implemented in a systemic manner. Operational compliance for a provision does not require that the City/CDP “pass” every metric for that provision, rather the Monitoring Team considers the City/CDP’s performance across all metrics, weighting them according to their importance to transforming CDP’s policing.
5	General Compliance: The City and/or CDP has complied fully with the requirement and the requirement has been demonstrated to be meaningfully adhered to and/or effectively implemented such that the Monitoring Team will begin tolling according to ¶ 401. This includes instances where it can be shown that the City or CDP has effectively complied with a requirement fully and systemically. General compliance for a provision does not require that the City/CDP “pass” every metric for that provision, rather the Monitoring Team considers the City/CDP’s performance across all metrics, weighting them according to their importance to transforming CDP’s policing.
6	Substantial and Effective Compliance: The City and/or CDP has complied fully with the requirement and the requirement has been demonstrated to be meaningfully adhered to and/or effectively implemented across time, cases, and/or incidents in accordance with ¶ 401 or ¶ 370. This includes instances where it can be shown that the City or CDP has effectively complied with a requirement fully and systemically. Substantial and effective compliance for a provision does not require that the City/CDP “pass” every metric for that provision, rather the Monitoring Team considers the City/CDP’s performance across all metrics, weighting them according to their importance to transforming CDP’s policing.

Data, Document, and Record Requests³

³ The Monitoring Team’s document review will not be limited to the materials requested. To the extent materials have been previously provided to the Monitoring Team, or are otherwise publicly available on the City/CDPs website or court docket, the Monitoring Team will access and review those materials as part of the assessment.

The Monitoring Team requests that the City provide the following data, documents, and records pertaining to information dated January 1st through December 31st 2023:

1. Data for all Stop Forms generated from stops, searches, and seizures conducted by the Cleveland Division of Police for January 1st through December 31st 2023. This should include a spreadsheet detailing all data from Stop Forms from 2023 involving all police-initiated, non-consensual stops. The spreadsheet should include columns containing the following associated data:
 - a. The race, age, and gender of the individual(s) involved;
 - b. The police district, shift and zone the incident occurred in;
 - c. Notation of whether the supervisor approved the form or rejected the form, including the reason for the rejection;
 - d. The probable cause reason for the stop;
 - e. The reasonable suspicion reason for the stop;
 - f. If the stop was based upon a match of a subject, notation of whether the subject did match the driver;
 - g. Notation of whether a search was conducted and if any contraband was found;
 - h. Notation of whether the stop was conducted for investigatory or any other reason;
 - i. Notation of whether force was used; and
 - j. The disposition or outcome of the stop (citation, traffic stop warning, arrest, emergency room, etc.).
2. All traffic citations for January 1st through December 31st 2023 which include the following data:
 - a. The date and time of the stop;
 - b. The race, ethnicity, age and gender of the person or persons involved;
 - c. The vehicle's year, make, and model;
 - d. The location of the stop, including the Police District, street and address; and
 - e. The legal or articulable basis or reason for the stop.
3. Records demonstrating the CDP supervisor's documentation and reporting of:
 - a. Investigatory stops and pat-down searches unsupported by reasonable suspicion or otherwise in violation of CDP policy; arrests unsupported by probable cause or in violation of CDP policy; or investigatory stops and arrests that comport with policy or law indicate need for corrective action or review of agency policy, strategies, tactics or training (§ 170).
 - b. Documentation recording and tracking the status of any review and revisions of CDP policies, strategies, tactics or trainings (§170).
 - c. Documentation tracking and reporting the status of corrective actions recommended for the involved officer(s), including any referred for non-disciplinary action, e.g. remedial training, or disciplinary actions referred for administrative or criminal investigation, and performance evaluations (§ 171).
4. Records demonstrating the CDP commander's evaluation and documentation of:
 - a. The supervisor's assessment of all stop, search and seizure incidents not supported by reasonable suspicion, probable cause, or otherwise in violation of CDP policy;

- b. The appropriateness of the recommended corrective actions;
 - c. The referral of disciplinary cases to Internal Affairs where warranted;
 - d. Corrective non-disciplinary actions taken or initiation of the disciplinary process as warranted, when supervisors fail to conduct complete, thorough, and accurate reviews of investigatory stops, searches and arrests (§ 172).
5. Divisional notices of Search and Seizure training and classes (§§ 173-175).
6. Records demonstrating the dates, attendees, and length of all Search and Seizure trainings during the relevant periods, including the training materials provided during each training and the names of individual(s) who led/conducted each training (§§ 173-175).
- a. This includes all initial Search and Seizure trainings for new recruits in the Academy (§ 173) along with the total number of new recruits trained in 2023.
 - b. This includes all annual in-service Search and Seizure trainings for CDP officers (§ 174) along with the total number of CDP officers that received in-service training in 2023.

We request that the City and CDP provide the requested information and spreadsheet data detailed in paragraphs 1-7 by August 9th, 2024. We request that the City and CDP provide the Monitoring Team Subject Matter Experts (SMEs) with another walkthrough of the relevant data systems prior to the scheduled assessment. During the initial Search and Seizure walkthrough in November 2023, the City was unable to provide the data sources necessary for the SMEs to assess the supervisor and command-level reviews of officer-initiated stops, as outlined in paragraphs 169 – 172. This walkthrough with Division experts will enable the Monitoring Team to ensure the efficacy of the survey methodology, reliability of the review process, and consistency across reviewers in advance of commencement of the comprehensive Search and Seizure Compliance Assessment.

Please do not hesitate to contact me with any questions or concerns regarding the assessment or these requests.

Very truly yours,



Karl Racine
Independent Monitor