

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

UNITED STATES OF AMERICA,)	CASE NO.: 1:15-CV-01046
)	
Plaintiff,)	
)	JUDGE SOLOMON OLIVER, JR.
vs.)	
)	<u>MEMORANDUM SUBMITTING</u>
CITY OF CLEVELAND)	<u>REVISED SECOND-YEAR MONITORING</u>
)	<u>PLAN</u>
Defendant.)	
)	
)	

The Court-approved Second-Year Monitoring Plan (the “Monitoring Plan” or “Plan”), Dkt. 120, endeavored to “set[] aggressive but realistic goals, deadlines, and milestones for complying with the requirements of the Agreement while ensuring that individuals and organizations across Cleveland’s diverse communities—including the men and women of the Division themselves—have a voice in the discussion of how police services are delivered.” Dkt. 120 at 1-2. The “Plan detail[ed] a formalized process for implementation of the Consent Decree and the Monitoring Team’s assessment of the Division’s progress in doing so.” *Id* at 2.

The Monitor has previously observed that “[a]s work progresses in earnest toward accomplishing the tasks set forth in that Plan, the Parties and Monitor may, from time to time, agree that some adjustments to certain timelines are necessary” Dkt. 51. The First-Year Monitoring Plan was in fact updated in November of 2016 to “reflect the current state of progress and to prioritize focus on a number of key areas.” Dkt. 80 at 2.

Based on the progress of the CDP in some important areas and a better understanding of “aggressive but realistic goals” for various compliance-related tasks, the Monitor and Parties have agreed that this Court’s approval of a revised Second-Year Monitoring Plan (the “Revised Second-Year Monitoring Plan”), attached hereto as Exhibit A, would continue to promote steady progress towards achieving the Consent Decree’s objectives. After six months of following the deadlines set forth in the Second-Year Monitoring Plan, the City initiated this revision and discussed the proposed changes with the United States and the Monitoring Team. The City then took the lead of drafting the plan and collaborated closely with the Monitor to produce a revised process or framework for effectively and efficiently implementing the Agreement’s requirements.

The Revised Second-Year Monitoring Plan reflects changes to the timing of a number of key areas between now and the end of January 2018, which is the end of the year covered by the original Plan. These areas include, among others, the finalization of a comprehensive Community and Problem-Oriented Policing Plan, the completion of the 8-hour crisis intervention training—approved by the Mental Health Response Advisory Committee (MHRAC)—to all CDP officers, and the selection of the Internal Affairs Superintendent—the civilian head of the Department's Internal Affairs division. The Revised Second-Year Monitoring Plan also calls for the CDP to conduct training sessions related to the Learning Management System, the system

that will allow the CDP Training Section “to electronically track, maintain, and produce complete and accurate records of current curricula, lesson plans, training delivered, and other training materials in a centralized electronic file system.” Dkt 7-1 ¶ 289. The Court will receive a new Third-Year Monitoring Plan no later than February 1, 2018, that will address the period of February 1, 2018, through January 31, 2019.

Because the Revised Second-Year Monitoring Plan is a pragmatic plan that continues to set aggressive but realistic timelines, the Monitor respectfully requests that the Court approve the Revised Second-Year Monitoring Plan and order its requirements and deadlines effective.

Respectfully submitted,

/s/ Matthew Barge

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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2017, I served the foregoing document entitled Memorandum Submitting Revised Second-Year Monitoring Plan via the court's ECF system to all counsel of record.

/s/ Matthew Barge
MATTHEW BARGE

EXHIBIT A

CLEVELAND POLICE MONITORING TEAM

Second-Year Revised Monitoring Plan

August 11, 2017

General Note:

For all deadlines established below, the Monitor and Parties agree that the deadlines might, in some instances, need to be extended by a brief interval to allow or accommodate unforeseen circumstances or unexpected, minor delays. Accordingly, if and only if all of the Monitor, United States, and the City of Cleveland agree that an extension for any of the deadlines outlined below is warranted and acceptable, the deadline may be extended by an interval of fourteen (14) calendar days without petitioning the Court for an extension of the deadline. No deadline may be extended by more than fourteen (14) calendar days without approval of the Court. The extension of any specific deadline, or deadlines, will not change or otherwise affect any other deadline.

Unless otherwise specified in this Plan, after delivery of a Final Draft of a given deliverable from the City and/or Division of Police, the Monitoring Team will approve, disapprove, or otherwise update the Court on the status of the Final Draft within twenty-eight (28) calendar days.

I. Community and Problem-Oriented Policing

	Milestone	Responsible Stakeholder(s)	Deliverable	Deadline
Community Police Commission	CPC will "assess CPD's community activities, and make recommendations for additional strategies for CPD to consider to increase community engagement with and community confidence in CPD." (§ 17(c)).			
	CPC will complete a plan for conducting an assessment on community engagement and public confidence in CPD (the "Community Engagement Assessment Plan").			
	CPC will revise the Community Engagement Assessment Plan to reflect stakeholder feedback, where appropriate, and submit a Final Community Engagement Assessment Plan to the public, Parties, and Monitor.	CPC	Submission of Final Community Engagement Assessment Plan	August 28, 2017
Community and Problem-Oriented Policing §§ 27-34	"CPD will develop and implement a comprehensive and integrated community and problem-oriented policing model". (§ 27). The Plan will, among many other things, detail how the City and CPD will partner to address the Consent Decree requirements associated with the District Policing Committees. (§§ 24–26).			
	CPD will develop a comprehensive Community and Problem-Oriented Policing Plan.			
	CPD will submit a first draft of the CPOP Plan to the Stakeholders and Monitor.	CPD	Submission of first draft of CPOP Plan	August 28, 2017
	The Stakeholders and Monitor will review the first draft to determine whether it adequately incorporated community input. The Stakeholders will provide CPD feedback and highlight issues and/or concerns.	Monitoring Team, DOJ	Written and/or In Person Feedback	August 28, 2017- October 13, 2017
	CPD will submit the proposed final draft of the CPOP Plan to the Stakeholders and the Monitor.	CPD	Submission of proposed final draft of CPOP Plan	August 28, 2017- October 13, 2017

Case 1:15-cv-01046-SO Doc #: 147-1 Filed: 08/11/17 4 of 23 PageID #: 3146

The Stakeholders and the Monitor will review the proposed final draft of the CPOP plan and highlight issues and/or concerns.	Monitoring Team DOJ	Written and/or In-Person Feedback	August 28, 2017- October 13, 2017
CPD will submit the proposed final draft of the CPOP Plan to the Stakeholders for community engagement Cycle 2.	CPD	Submission of proposed final draft or CPOP Plan Cycle 2	October 13, 2017
The Monitor, working with CPD, the City, the CPC and the other stakeholders, as set forth in greater detail in the Cleveland Community Engagement Plan, will obtain community, officer, and stakeholder input into the CPD's proposed draft of the community and problem-oriented policing plan. The Monitor will provide CPD and the Parties with such input and highlight recurring issues or concerns.	Monitoring Team, CPD	Written and/or In-Person Solicitation and Summary of Community Comment on Draft	October 13, 2017- November 10, 2017
CPD revises the proposed draft to incorporate the feedback, where appropriate, provided by the Monitor and/or community stakeholders as set forth in the Cleveland Community Engagement Plan and submits a Final Draft of the Plan to the Parties and the Monitor as set forth in greater detail in the Cleveland Community Engagement Plan.	CPD	Submission of Proposed Final Draft	November 17, 2017-December 1, 2017
CDP will implement the Community and Problem-Oriented Policing Plan			
Upon approval, CPD will begin to implement the Community and Problem-Oriented Policing Plan according to the deadlines set forth in the Plan.	CPD	Beginning of Community and Problem-Oriented Policing Plan	January 1, 2018 Ongoing

II. Use of Force-Related Policies

	Milestone	Responsible Stakeholder(s)	Deliverable	Deadline
Use of Force Policy ¶¶ 49–83, 341–49	CPD will submit its policies, procedures, manuals, and documentation relating to all canine deployments. (Dkt. 83, 101).			
	The Monitor and the Parties will review the CPD's policies, manuals, and documentation to all canine deployments to determine whether it adequately addresses the requirements and objectives of the Settlement Agreement and will provide written and/or in-person feedback.	Monitoring Team, DOJ	Submission of Feedback	July 31, 2017
	CPD and the Parties will work together to address any concerns, issues, or changes necessary in the submitted canine deployment materials (including all policies, procedures, manuals, and documentation relating to canine deployments). CPD will provide Final Draft Canine Deployment Materials to the Parties and Monitor for review and approval.	CPD	Submission of Final Draft Canine Deployment Materials	September 1, 2017
Use of Force Investigations ¶¶ 47, 75, 93–101, 110–123	CPD will concurrently develop two (2) individual policies, including any sub-policies and/or related policy manuals, addressing: (i) chain of command investigations of lower-level Level 1 and Level 2 force (the "Chain of Command Investigations Policy"; and (ii) Force Investigation Team ("FIT") investigations of Level 3 and other uses of force outlined in ¶ 111 of the Agreement (the "FIT Investigations Policy"). These sets of policies will include a revision or replacement of current portions of General Police Orders 2.1.01–06 that relate to the investigation of use of force; the creation, revision, or replacement of any operative policies or manual related to FIT (¶ 123); and any Memorandum of Understanding or equivalent agreement established between CPD and any outside agency to conduct criminal investigations of uses of force (¶ 110).			
	In consultation with the Monitor and the Parties, CPD produces a Proposed Final Draft of both policies that adequately incorporates the feedback of the Parties and the Monitor. CPD submits its Proposed Final Draft to the Parties, Monitor, and CPC.	CPD	Submission of Proposed Final Draft	September 29, 2017
	The Monitoring Team and Parties receive feedback from CPC and other community organizations about the use of force investigations and FIT investigations policy and forward recommendations to CPD.	CPC, Other Community Organizations	Submission of Feedback to Monitoring Team and Parties	October 31, 2017
	CPD will submit a Final Draft of policies relating to Chain of Command Investigations and FIT Investigations to the Parties and Monitor. <i>Note: When approved, the Chain of Command does not become effective, and officers are neither expected to conform to their requirements or be subject to discipline or any employment action pursuant to them, until the Parties and Monitor have certified that training on the policies and their core concepts have been sufficiently completed by appropriate personnel. Similarly the FIT Investigation policies do not become effective until Fit Team members have been identified and trained</i>	CPD	Submission of Final Draft	November 15, 2017

Use of Force Review ¶¶ 101–09, 124–30	CPD will concurrently develop a policy related to the review of use of force. This will include review of chain of command investigations of lower-level Level 1 and Level 2 force as well as consideration of force incidents by the Force Review Board ("FRB"). The FRB policy will include a description of the composition of the Board and the process that it uses to analyze force investigations.			
In consultation with the Monitor and the Parties, CPD produces a Proposed Final Draft of both policies that adequately incorporates the feedback of the Parties and the Monitor. CPD submits its Proposed Final Draft to the Parties, Monitor, and CPC.	CPD	Submission of Proposed Final Draft	October 31, 2017	
The Monitoring Team and Parties receive feedback from CPC and other community organizations about the use of force investigations and FIT investigations policy.	CPC, Other Community Organizations	Submission of Feedback to Monitoring Team and Parties	November 30, 2017	
CPD will submit a Final Draft of policies relating to use of force reviews to the Parties and Monitor. <i>Note: When approved, the Policies related to the Review of Use of Force do not become effective, and officers are neither expected to conform to their requirements or be subject to discipline or any employment action pursuant to them, until the Parties and Monitor have certified that training on the policies and its core concepts has been sufficiently completed; and FRB members have been identified and trained.</i>	CPD	Submission of Final Draft	December 20, 2017	
The FRB will begin to meet to review all FIT investigations, Level 2 investigations where there was force-related misconduct, and a sample of all other Level 2 investigations. (¶ 124).				
The Monitoring Team and Parties will meet with the members of the Force Review Board, outlining expectations, answering questions, and clarifying understandings.	City, CPD, Department of Justice, Monitoring Team	Stakeholder Meeting	On or after January 16, 2018	
Upon certification of the Monitor that the FRB policy is ready to be implemented, the FRB will begin to hold regular force review meetings. Members of the Monitoring Team and the Parties will regularly attend.	CPD, City, Department of Justice, Monitoring Team	Commencement of Regular Meetings	On or after January 16, 2018	

	Milestone	Responsible Stakeholder(s)	Deliverable	Deadline
	<p>General Note:</p> <p>Consistent with the Agreement (¶¶ 271(d), 280), CPD will construct all training provided on topics covered by and related to the Settlement Agreement utilizing a standard Instructional Systems Design Model ("ISDM"), or an equivalent format that the Parties and Monitor agree address the same requirements, that, among other things, sets forth: (1) the goals for each training element; (2) the learner characteristics that should receive attention during planning; (3) the content and task components that are related to the stated goals; (4) the instructional objectives for the learner; (5) a description of how content will be logically structured and sequenced; (6) a description of the instructional strategies employed and how they are geared toward officers mastering the training's objectives; (7) a detailed and exhaustive description of instructor techniques, messaging, content, and delivery methods; (8) an evaluation instrument for assessing whether the objectives of the training were met; and (9) a description of resources that are supporting or instructing the learning activities. See Jerold Kemp, <i>Instructional Design: A Plan for Unit and Course Development</i> (1977); G.R. Morrison, et al, <i>Designing Effective Instruction</i> (4th ed. 2004); Kent Gustafson & Robert Branch, <i>Instructional Design Models</i> (1997).</p>			
<p>Training Plan: In-Service Training</p> <p>¶¶ 269–281</p>	<p>The Training Review Committee will develop a written training plan for CPD's in-service training. (¶ 27).</p>			
	<p>CPD will develop a Training Plan that will address how CPD will be implementing and adhering to the requirements of the Consent Decree through December 31, 2018 (the "2018 Training Plan").</p>			
	<p>CPD and its Training Review Committee collaborates with the Parties and the Monitor to produce a draft In-Service Plan consistent with the Consent Decree for the third year of monitoring (January 2018-December 2018)</p>	<p>CPD</p>	<p>Submission of 2018 CPD Draft In-Service Plan</p>	<p>October 6, 2017</p>
	<p>CPD and its Training Review Committee collaborates with the Parties and the Monitor to produce a draft In-Service Plan including Continued Professional Training and consistent with the Consent Decree for the third year of monitoring (January 2018-December 2018)</p>	<p>CPD</p>	<p>Submission of 2018 CPD and CPT Final In-Service Plan</p>	<p>November 17, 2017</p>
<p>Training Program: Supervisor Training</p> <p>¶¶ 322–325</p>	<p>The Training Review Committee will develop a written training program specifically for CPD's supervisors. (¶¶ 322–325).</p>			
	<p>The Training Review Committee, with the Training Section, will submit a written, First Draft of the Supervisor Training that addresses the requirements of the Agreement (¶322) and this Monitoring Plan to the Parties and the Monitor.</p>	<p>CPD</p>	<p>Submission of First Draft</p>	<p>September 15, 2017</p>
	<p>The Parties and Monitor will provide written comments, questions, issues, or concerns to the First Draft of the Supervisor Training.</p>	<p>City, Department of Justice, Monitoring Team</p>	<p>Submission of Comments re: First Draft</p>	<p>September 29, 2017</p>

	CPD will submit the proposed Final Draft of the Supervisor Training to the Parties and Monitor. (¶323.)	CPD	Submission of Proposed Final Draft	October 30, 2017
	The Supervisor Training Plan will be implemented upon resolution of any outstanding objections by the Monitor. If either Party disagrees with the Monitors resolution of the objection, either party may ask the Court to resolve the matter before this date. (¶325)	CPD	Implementation of Training Plan	First Quarter 2018
Training Program: Officer Use of Force Policy ¶¶ 84-86, 269-281	CPD will design training on the revised Officer Use of Force Policy, along with force-instrument-specific sub-policies (the "Officer Use of Force Policy ISDM").			
	CPD will conduct training on the revised Officer Use of Force Policy according to the approved ISDM.			
	CPD will provide the Parties and the Monitor with weekly updates on the numbers and percentage of individual officers who have completed the Officer Use of Force training.	CPD	Weekly Submission of Training Update to Parties, Monitoring Team	May 22, 2017- November 10, 2017
	CPD will complete the training of all CPD officers on the Officer Use of Force training.	CPD	Training Sessions End	November 10, 2017
	The City will certify to the Court that all CPD officers have completed the Officer Use of Force training.	City, CPD	Filing of Certification with Court re: Completion of Officer Use of Force Training	November 10, 2017
Training Documentation Plan ¶¶ 288-290	CPD will develop a plan for "implement[ing] a system that will allow the Training Section to electronically track, maintain, and produce complete and accurate records of current curricula, lesson plans, training delivered, and other training materials in a centralized electronic file system" (the "Training Documentation Plan") (¶ 289).			
	CPD's Learning Management System will be activated	CPD	LMS system activated	August 15, 2017
	CPD will conduct training sessions related to the Learning Management System	CPD	Training Conducted	August 15, 2017-September 29, 2017
Recruitment & Hiring ¶¶ 300-311	"CPD will develop a recruitment policy and a strategic recruitment plan that includes clear goals, objectives, and action steps for attracting qualified applicants from a broad cross-section of the community." (¶¶ 300-311).			
	CPD will provide a revised draft Recruitment Policy and Strategic Recruitment Plan (the "First Draft"), taking into consideration the input of the CPC, to the Monitor and DOJ.	CPD	Submission of First Draft	September 15, 2017

<p>The Parties and the Monitor will review the First Draft to determine whether it adequately addresses the requirements and objectives of the Settlement Agreement and values of the community. The Parties, Monitor, and CPC will provide written feedback, in-person feedback, or both.</p>	<p>Department of Justice, City, Monitoring Team</p>	<p>Written and/or In-person Feedback re: First Draft</p>	<p>November 1, 2017</p>
<p>The Monitor, working wherever possible with CPD, will engage in an affirmative, intensive effort to obtain CPC, community, officer, and other stakeholder input and comment to the Proposed First Draft. The Monitor will provide CPD and the Parties with such input and highlight recurring issues or concerns.</p>	<p>Monitoring Team, CPD</p>	<p>Written and/or In-Person Summary of Community Comment</p>	<p>November 1, 2017</p>
<p>CPD revises the First Draft to take into consideration and incorporate the feedback and expectations of the Monitor, Parties, and CPC, where appropriate. In consultation with the Monitor and Parties, CPD submits a Proposed Final Draft to the Parties, Monitor, and CPC.</p>	<p>CPD</p>	<p>Submission of Proposed Final Draft</p>	<p>November 15, 2017</p>
<p>CPD revises the Proposed Final Draft to incorporate the feedback and expectations of the Monitor, Parties, CPC, and community stakeholders and members. In consultation with the Monitor and Parties, CPD submits a Final Draft that adequately incorporates the feedback of the Parties and the Monitor.</p>	<p>CPD</p>	<p>Submission of Final Draft</p>	<p>December 1, 2017</p>
<p>The Monitor recommends approval or disapproval of the Final Draft Recruitment Policy and Strategic Recruitment Plan to the Court, either in whole or in part. The determination will be based on the extent to which the plan adequately complies with the requirements of the Agreement, incorporates feedback of the Parties, and reflects the values and specific input of community and Division stakeholders.</p>	<p>Monitoring Team</p>	<p>Filing of Memorandum to the Court re: Approval or Disapproval of Final Draft</p>	<p>December 15, 2017</p>

	Milestone	Responsible Stakeholder(s)	Deliverable	Deadlines
Crisis Intervention Training: General ¶ 143	CPD will provide training, approved by the Mental Health Response Advisory Committee (MHRAC) and the Monitor, to all of its officers according to the requirements of paragraph 143 of the Agreement.			
	CPD will provide the Parties and the Monitor with weekly updates on the numbers and percentage of individual officers who have completed the 8-Hour Training.	CPD	Weekly Submission of Training Update to Parties, Monitoring Team	May 24, 2017- November 10, 2017
	CPD will complete the training of all CPD officers on the 8-Hour training training.	CPD	Training Sessions End	November 10, 2017
	The City will certify to the Court that all CPD officers have completed the 8-Hour training.	City, CPD	Filing of Certification with Court re: Completion of Officer Use of Force Training	November 17, 2017
	The Coordinator will develop an effective specialized crisis intervention plan (“Specialized Crisis Intervention Plan”) as described in ¶ 152 of the agreement.			
	The Monitor recommends approval or disapproval of the Final Draft of the Crisis Intervention Plan to the Court, either in whole or in part. The determination will be based on the extent to which the training adequately complies with the requirements of the Agreement, incorporates feedback of the Parties, and reflects the values and specific input of community and Division stakeholders.	Monitoring Team	Filing of Memorandum to the Court re: Approval or Disapproval of Final Draft	August 11, 2017
	CPD will provide an in-depth assessment of each applicant to determine the applicant’s fitness to serve as a specialized CIT officer according to ¶ 148 of the agreement.			
	The Monitor recommends approval or disapproval of the Final Draft of the Crisis Intervention Plan to the Court, either in whole or in part. The determination will be based on the extent to which the training adequately complies with the requirements of the Agreement, incorporates feedback of the Parties, and reflects the values and specific input of community and Division stakeholders.	Monitoring Team	Filing of Memorandum to the Court re: Approval or Disapproval of Final Draft	August 11, 2017

<p>CPD will provide enhanced specialized training in responding to individuals in crisis to certain officers (“specialized CIT officers”) according to ¶ 145 of the agreement.</p>				
<p>CPD works with the Monitor, Parties, and MHRAC to revise the Proposed Final Draft of the Crisis Intervention Specialized Training: General (a/k/a the “40-Hour Training”) to incorporate the feedback and expectations of the Monitor, Parties, and community stakeholders and members. In consultation with the Monitor and Parties, CPD submits a Final Draft that adequately incorporates the feedback of the Parties and the Monitor.</p>		<p>CPD</p>	<p>Submission of Final Draft</p>	<p>July 28, 2017- December 31, 2017</p>
<p>The Monitor recommends approval or disapproval of the Final Draft of the Crisis Intervention Specialized Training to the Court, either in whole or in part. The determination will be based on the extent to which the policy adequately complies with the requirements of the Agreement, incorporates feedback of the Parties, and reflects the values and specific input of community and Division stakeholders.</p>		<p>Monitoring Team</p>	<p>Filing of Memorandum to the Court re: Approval or Disapproval of Final Draft</p>	<p>January 19, 2018</p>
<p>Annual Crisis Intervention Work Plan</p> <p>¶ 134</p>	<p>The Mental Health Response Advisory Committee will meet regularly and provide guidance to assist CDP in improving, expanding, and sustaining its Crisis Intervention Program.</p>			
<p>The Mental Health Response Advisory Committee will revise the Annual Crisis Intervention Work Plan to reflect stakeholder feedback, where appropriate, and submit the final report to the public, Parties, and Monitor.</p>		<p>Mental Health Response Advisory Committee</p>	<p>Submission of Final Draft of Annual Report to Public, Parties, and Monitor</p>	<p>August 18, 2017</p>

V. Accountability

	Milestone	Responsible Stakeholder(s)	Deliverable	Deadline
Administrative Review Processes ¶¶ 93 – 130, 160–75, 176–249, 322–25	The Parties, CPD, and Monitoring Team will hold monthly Administrative COMPSTAT meetings to ensure that the Division’s administrative investigations and review processes are sufficiently timely and well-supervised.			
	The Parties, Monitor, CPD and City will convene monthly Administrative COMPSTAT meetings to review data and information about the status of CPD’s administrative investigations and internal review processes, including but not limited to use of force investigations, officer misconduct investigations, the imposition of officer discipline, the resolution of civilian complaints, and other administrative reviews of officer performance captured in BlueTeam/IAPro.	City (including OPS and PRB), CPD, Department of Justice, Monitoring Team	Monthly Administrative COMPSTAT Meetings Begin	Ongoing
Internal Affairs ¶ 178	CPD will accept applications for, interview, and select a civilian head of the Department’s Internal Affairs division.			
	Candidates for the Internal Affairs Superintendent position will be reviewed and interviewed.	CPD	Candidate Review	July 14, 2017-September 2, 2017
Internal Affairs Policy Manual ¶¶ 176–192	CPD will update its Internal Affairs policy manual (currently called the “Internal Affairs Policies and Procedures” document dated January 2014), Inspections Unit manual, and any implicated General Police Orders, including policies on CPD employees reporting misconduct and on preventing retaliation against CPD employees who report misconduct (¶¶ 189–92), to reflect the requirements of ¶¶ 176–192.			
	The Parties, Monitor, CPD and other Consent Decree stakeholders will work together to ensure that the First Draft of the Internal Affairs Policy Manual and related policies on anti-retaliation and reporting misconduct adequately addresses the requirements and objectives of the Consent Decree. In consultation with the Monitor and the Parties, CPD will produce a Proposed Final Draft that adequately incorporates the feedback of the Parties and the Monitor. CPD will submit its Proposed Final Draft to the Parties, Monitor, and CPC.	CPD	Submission of Final Draft	May 8, 2017- November 3, 2017
	The Monitor recommends approval or disapproval of the Final Draft of the Internal Affairs Policy Manual, and policies related to anti-retaliation and reporting misconduct, to the Court, either in whole or in part. The determination will be based on the extent to which the manual adequately complies with the requirements of the Agreement, incorporates feedback of the Parties, and reflects the values and specific input of community and Division stakeholders.	Monitoring Team	Filing of Memorandum to the Court re: Approval or Disapproval of Final Draft	December 15, 2017
	The CPD, with the assistance of experts on the Monitoring Team, will ensure that the new policies are properly implemented.	CPD	Implementation of new policies	Beginning on or after, January 1, 2018

¶¶ 193–229.

<p>OPS and/or the City will submit to the Monitor OPS' proposed budget for the 2018 budget year.</p>	<p>OPS/City</p>	<p>Submission of Proposed Budget for Remainder of 2017 to Monitor</p>	<p>October 31, 2017</p>
<p>The Monitor will analyze the budget and advise the Parties and Court as to whether it is sufficient under the terms of the Consent Decree.</p>	<p>Monitoring Team</p>	<p>Written Submission re: Sufficiency of Budget</p>	<p>November 15, 2017</p>
<p>OPS will create and implement a plan for eliminating the backlog of unresolved, incomplete, or otherwise pending investigations. (See First Semiannual Report, Second Semiannual Report, Third Semiannual Report.)</p>			
<p>OPS and the City will implement a Backlog Elimination Plan. The status of this backlog elimination plan will be one of the topics addressed in ongoing, weekly OPS Compliance Status Stakeholder Meetings held not less than once per week.</p>	<p>OPS/City, Department of Justice, Monitoring Team</p>	<p>Ongoing Weekly OPS Status Stakeholder Meetings</p>	<p>Ongoing</p>
<p>CPD will revise or create policies necessary to strengthen CPD's cooperation with the OPS and Internal Affairs processes including: (a) policies governing the submission and receipt of civilian complaints (¶¶ 201 –209); (b) policies governing mandatory cooperation with OPS and Internal Affairs investigations (¶¶ 219, 221–222, 240); and (c) policies governing the submission of relevant evidence to Internal Affairs or OPS Investigators and PRB (¶ 219, 221–222, 240).</p>			

<p>CPD will submit a Final Draft of policies to incorporate the feedback and expectations of the Monitor, Parties, CPC, and OPS. In consultation with the Monitor and Parties, CPD submits a Final Draft plan that incorporated the feedback of the Parties, CPC, OPS, and the Monitor, where appropriate.</p>	<p>CPD</p>	<p>Submission of Final Draft</p>	<p>November 3, 2017</p>
<p>"[T]he City and CPD, in consultation with OPS and the CPC, will develop and implement a program to promote awareness throughout the Cleveland community about the process for filing complaints with OPS. (§ 201)" and to enhance access to the complaint process. This will include a plan to post information about the civilian complaint process (§ 203), a plan to ensure that all CPD officers carry complaint forms in their vehicles (§ 205), a plan to make OPS complaint forms and other materials widely available at public locations (§ 206), and a plan for ensuring that civilian complaints submitted to the city via other existing systems are forwarded to OPS immediately (§ 209).</p>			
<p>The City will submit a Draft plan for a program to promote awareness of the OPS process and comply with paragraph 201 of the Agreement (the "OPS Awareness Plan").</p>	<p>City</p>	<p>Submission of Draft OPS Awareness Plan</p>	<p>November 10, 2017</p>
<p>The Parties and Monitor will review the Draft to determine whether it adequately addresses the requirements and objectives of the Settlement Agreement and whether CPC, OPS, and other recommendations have been taken into consideration and incorporated where appropriate. The Parties, CPC, OPS, and Monitor will provide written feedback, in-person feedback, or both.</p>	<p>Department of Justice, City, Monitoring Team, OPS, CPC</p>	<p>Written Feedback re: First Draft</p>	<p>November 20, 2017</p>
<p>The city revises the Draft to incorporate the feedback and expectations of the Monitor, Parties, and CPC. In consultation with the Monitor and Parties, the city submits a Final Draft plan that incorporates the feedback of the Parties, CPC, and the Monitor where appropriate.</p>	<p>City</p>	<p>Submission of Final Draft</p>	<p>January 16, 2018</p>
<p>The City, CPD, OPS and any other involved stakeholders will implement the OPS Awareness Plan according to the deadlines set forth in the Plan. The deadlines outlined there will be incorporated into this Monitoring Plan by reference and subsequent Monitoring Plans expressly.</p>	<p>City, CPD, OPS</p>	<p>Implementation of Plan Begins</p>	<p>Ongoing</p>
<p>Police Review Board 230-239, 244</p>	<p>"The Monitor will analyze PRB's budget and advise the Parties and the Court as to whether it affords sufficient independence and resources, Board including sufficient staff and training to meet the terms of this Agreement." (232).</p>		
<p>PRB and/or the City will submit to the Monitor PRB's proposed budget for the 2018 budget year.</p>	<p>PRB/City</p>	<p>Submission of Proposed Budget for 2017 to Monitor</p>	<p>October 31, 2017</p>
<p>The Monitor will analyze the budget and advise the Parties and Court as to whether it is sufficient under the terms of the Consent Decree.</p>	<p>Monitoring Team</p>	<p>Written Submission re: Sufficiency of Budget</p>	<p>November 30, 2017</p>
<p>"PRB members will receive initial training that is adequate in quality, quantity, scope, and type and will include various specified areas, including constitutional and other relevant law related to police-citizen encounters; police tactics; investigations of police conduct; bias-free policing; policing individuals in crisis; CDP policies, procedures and disciplinary rules; and community outreach." (§ 233).</p>			
<p>PRB will develop training for its members that will meet the requirements of the Settlement Agreement and will submit a written, First Draft of the PRB Members Training that addresses the requirements of the Agreement (§ 233) and this Monitoring Plan to the Parties and the Monitor.</p>	<p>PRB</p>	<p>Submission of First Draft</p>	<p>Ongoing</p>

Discipline (¶¶ 245-249)	CPD will ensure that discipline for sustained allegations of misconduct comports with due process and is consistently applied, fair, and based on the nature of the allegations, and that mitigating and aggravating factors are identified and consistently applied and documented. (¶ 245).			
	The Monitor recommends approval or disapproval of the Final Disciplinary Matrix to the Court, either in whole or in part. The determination will be based on the extent to which the plan adequately addresses with the requirements of the Agreement, incorporates feedback of the Parties, and reflects the values and specific input of community and Division stakeholders.	Monitoring Team	Filing of Memorandum to the Court re: Approval or Disapproval of Final Draft	October 13, 2017
Transparency ¶ 268	CPD will post its policies and procedures, training plans, community policing initiatives, community meeting schedules, budgets, and internal audit reports on its website. (¶ 268).			
	CPD's identified personnel will post its current policies and procedures, training plans, community policing initiatives, community meeting schedules, budgets, and internal audit reports on its website. (¶ 268). This includes all materials submitted to the Court by the Monitor as part of this Monitoring Plan. The manner of posting on the website will seek to make all information and documentation accessible, clear, and readily identifiable.	CPD	Initial Posting of Current Information and Documents on Website	Ongoing
	CPD's identified personnel will post revisions, changes, updates, or new information and documents as they are approved to take effect. (¶ 268). This includes all materials submitted to the Court by the Monitor as part of this Monitoring Plan. The manner of posting on the website will seek to make all information and documentation accessible, clear, and readily identifiable.	CPD	Maintenance of Current Information and Documents on Website	Ongoing
Police Inspector General ¶¶ 250-256	"The City will hire an individual or individuals with significant experience in law enforcement practices and civil rights law to serve as a Police Inspector General. The City will seek the Commission's input in developing the minimum qualifications and experience for an Inspector General. The Police Inspector General will be appointed by the Mayor into the classified service of the City." (¶ 250).			
	The Parties and the Monitor will provide written and/or in-person feedback on the draft Police IG plan.	CPD, Monitor, DOJ	Written or in-person feedback re: First Draft	July 27, 2017
	The City revises the Draft to incorporate the feedback. In consultation with the Monitor and Parties, the City submits a Final Draft plan that incorporates the feedback.	City	Submission of Final Draft	August 18, 2017
	The City, after consultation with the Monitor and the Parties, will initiate the process of recruiting, interviewing, and hiring a Police Inspector General.	City	Initiate Recruitment, Interview, and Hiring Process	September 8, 2017
	After candidate review and in the event that a suitable candidate is selected, A Police Inspector General will be hired.	City	Hiring of Police Inspector General	December 31, 2017

	Milestone	Responsible Stakeholder(s)	Deliverable	Deadline
Equipment & Resource Plan ¶¶ 291–299	CPD will complete an Equipment and Resource Plan (¶¶ 292, 295).			
	CPD will revise its Equipment and Resource Plan to conform to the feedback from the Monitor on its previous draft per the Court’s Order of January 6, 2017.	CPD	Submission of Revised CPD Equipment & Resources Plan	Ongoing
	If and when approved by the Court, the Monitor will report to the Parties and Court every six months whether the City and CPD are using best efforts to implement the Equipment and Resource Plan.	Monitoring Team	Filing of Equipment and Resource Plan Implementation Status Report with Court	Ongoing
Staffing ¶¶ 319–321	CPD will complete a comprehensive staffing study addressing the appropriate number of personnel to perform the functions necessary for CPD to fulfill its mission and to satisfy the requirements of the Agreement (the “Staffing Study”) and will use it as a basis for completing a staffing plan that likewise satisfies the obligations of the Agreement (the “Staffing Plan”). (¶¶ 319, 322).			
	The Parties, CDP, and the Monitoring Team will discuss the Division’s Staffing Study. The Division will revise its Staffing Study, as appropriate, consistent with feedback from the Parties and Monitoring Team.	CPD	Submission of Revised Staffing Study	October 1, 2017
	CPD will submit a First Draft Staffing Plan	CPD	Submission of First Draft Staffing Plan	December 1, 2017
	As part of the Monitor’s process of “assess[ing] the Staffing and reporting to the Parties whether it is appropriate, effective, and consistent with the requirements of the Agreement,” (¶ 321), CPC will collect the concerns, experiences, values, and issues related to CPD staffing levels from across Cleveland’s diverse communities into a single, written document that fairly and accurately summarizes community input received (the “CPC Staffing Work Product”).	CPC	Written Summary of Community Input	February 1, 2018
	As part of the Monitor’s process of “assess[ing] the Staffing Plan and reporting to the Parties whether it is appropriate, effective, and consistent with the requirements of the Agreement,” (¶ 321), CPD, in collaboration with the Monitor and leadership of CPPA, FOP, and other police officer organizations, will convene a series of meetings and establish and publicize alternative forms of officer outreach (email, surveys, anonymous written submissions, roll call discussions, etc.) to collect the concerns, experiences, values, and issues of officers related to staffing and personnel resource issues. The Monitor, DOJ, and City may collaborate and participate. CPD will generate a single, written document that summarizes the officer input received (the “CPD Staffing Work Product”) and submit the document to the Parties and the Monitor.	CPD	Written Summary of Officer Input	February 1, 2018

The Monitor and the Department of Justice will review the Staffing Work Product and input from the CPC, officers, and community and provide feedback to CPD on the Study to integrate into its Staffing Plan.	Department of Justice, Monitoring Team	Submission of Written and/or Oral Feedback re: Staffing Study	February 15, 2018
CPD will submit a Final draft of the Staffing Plan.	CPD	Submission of Final Draft	March 2, 2018

Body-Worn Cameras ¶¶ 337-340	CPD will encourage use of the Wearable Camera System during secondary employment.
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CPD will provide the Parties and Monitoring Team with a detailed, data-driven report that summarizes the scope and nature of Wearable Camera Systems during secondary employment in calendar year 2017.	CPD	Data Collection and Evaluation of WCS at Secondary Employment	December 31, 2017
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VII. Searches and Seizures

Milestone	Responsible Stakeholder(s)	Deliverable	Deadline
Search & Seizure (¶¶ 160-175)	CPD “will conduct 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. CDP will conduct investigatory stops, searches and arrests fairly and respectfully as part of an effective overall crime prevention strategy that takes into account community values. To achieve this goal, CDP will revise, develop, and implement search and seizure policies that comply with applicable law” and the requirements listed in the Settlement Agreement. (¶ 160).		
CPD will revise, develop, and implement search and seizure policies that are fair, effective, and take into account community values.			
CPD prepares a first draft of its revised search and seizure policies that incorporates the feedback, where appropriate, provided by the Monitor and/or community stakeholders.	CPD	Submission of First Draft	October 13, 2017
The Parties and Monitor will review the First Draft to determine whether it adequately addresses the requirements and objectives of the Settlement Agreement and incorporates the community input. The Monitor, working with CPD, the CPC and the other stakeholders, will obtain community, officer, and stakeholder input into the CPD’s proposed draft of the search and seizure policies. The Monitor will provide CPD and the Parties with such input and highlight recurring issues or concerns.	Monitoring Team CPD	Written and/or In-Person Summary of Community Comment	November 10, 2017
CPD revises the Proposed Final Draft to incorporate the feedback, where appropriate, provided by the Monitor and/or community stakeholders and submits a Final Draft to the Parties and the Monitor.	CPD	Submission of Proposed Final Draft	November 24, 2017
The Monitor recommends approval or disapproval of the Searches and Seizures Policies to the Court, either in whole or in part. The determination will be based on the extent to which the policy adequately complies with the requirements of the Agreement, incorporates feedback of the Parties, and reflects the values and specific input of community and Division stakeholders.	Monitoring Team	Filing of Memorandum to the Court re: Approval or Disapproval of Final Draft	December 8, 2017
CPD will begin to provide officers with Search and Seizure Policy Training in conjunction with the BFP policy training.	CPD	Training Sessions begin	After January 1, 2018

VIII. Bias-Free Policing

	Milestone	Responsible Stakeholder(s)	Deliverable	Deadline
<p>Bias-Free Policing Policy</p> <p>¶ 38</p>	<p>CPD will develop a bias-free policing policy. (¶ 38).</p>			
	<p>The Monitor, working with CPD, the CPC and the other stakeholders, will obtain community, officer, and stakeholder input into the CPD’s proposed draft of the bias-free policing policy. The Monitor will provide CPD and the Parties with such input and highlight recurring issues or concerns. The Parties, the CPC and the Monitor will review the draft to determine whether it adequately addresses the requirements and objectives of the Settlement Agreement and will provide written and/or in-person feedback.</p>	<p>Monitoring Team</p>	<p>Written and/or In person feedback</p>	<p>August 15, 2017- September 29, 2017</p>
	<p>CPD revises the draft policy to incorporate the feedback, where appropriate, provided by the Monitor, the CPC, the Parties, and community input and submits a Final Draft to the Parties and the Monitor. CPD submits a Final Draft of the policy.</p> <p><i>Note: When approved, the Bias-Free Policing Policy does not become effective, and officers are neither expected to conform to its requirements or be subject to discipline or any employment action pursuant to it, until the Parties and Monitor have certified that training on the policy and its core concepts has been sufficiently completed.</i></p>	<p>CPD</p>	<p>Submission of Proposed Final Draft</p>	<p>October 13, 2017</p>
<p>Bias-Free Training</p> <p>¶¶ 35–44</p>	<p>CPD will develop training that “incorporates the principles of procedural justice and that is designed to ensure that police services are delivered free from bias.” (¶ 39).</p>			
	<p>CPD will submit a first draft of a Bias-Free Policing ISDM that is responsive to the requirements of the Agreement, the CPC Bias-Free Policing Report, and the CPD Bias-Free Policing work product (the "First Draft") to the Parties and the Monitor.</p>	<p>CPD</p>	<p>Submission of First Draft</p>	<p>October 13, 2017</p>
	<p>The Parties and Monitor will review the First Draft to determine whether it adequately addresses the requirements and objectives of the Settlement Agreement and whether the CPC Bias-Free Policing Report and CPD Bias-Free Policing Work Product consistent with those requirements and objectives has been taken into consideration and incorporated where appropriate. The Parties and Monitor will provide written feedback, in-person feedback, or both.</p>	<p>Department of Justice, City, Monitoring Team</p>	<p>Written Feedback re: First Draft</p>	<p>November 10, 2017</p>

<p>CPD revises the First Draft to incorporate the feedback and expectations of the Monitor and Parties and community input, where appropriate. In consultation with the Monitor and Parties, CPD produces a Proposed Final Draft that adequately incorporates the feedback of the Parties and the Monitor. CPD submits its Proposed Final Draft to the Parties, Monitor, and CPC.</p>	<p>CPD</p>	<p>Submission of Proposed Final Draft</p>	<p>December 1, 2017</p>
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Milestone	Responsible Stakeholder(s)	Deliverable	Deadline
<p>Data Collection & Analysis ¶¶ 257-268</p>	<p>CPD will designate a Data Collection & Analysis Coordinator to ensure tracking related to use of force and allegations of misconduct. (¶ 258). This individual will also address and coordinates additional areas of data analysis and collection required by other provisions of the Agreement (stops, searches, and seizures; Officer Intervention Program; and others). The Data Collection & Analysis Coordinator "will develop a protocol to accurately analyze the data collected" and allow for the Agreement's required outcome assessments. (¶ 263).</p>		
<p>CPD revises the First Draft to incorporate the feedback and expectations of the Monitor and Parties, where appropriate. In consultation with the Monitor and Parties, CPD produces a Proposed Final Draft that adequately incorporates the feedback of the Parties and the Monitor. CPD submits its Proposed Final Draft to the Parties and Monitor.</p>	<p>CPD</p>	<p>Submission of Proposed Final Draft</p>	<p>August 25, 2017</p>
<p>CPD and the Data Collection & Analysis Coordinator will conduct the assessments on all CPD activities pursuant to the plan identified in the assessment protocol. (¶¶ 265–266).</p>			
<p>CPD and the Data Collection & Analysis Coordinator will draft an assessment report, or topical assessment reports, as required by the assessment protocol (the "First Draft") and submit it, or them, to the Parties and Monitor.</p>	<p>CPD</p>	<p>Submission of First Draft</p>	<p>January 16, 2018</p>
<p>The Parties and Monitor will review the First Draft to determine whether it adequately addresses the requirements and objectives of the Settlement Agreement. The Parties and Monitor will provide written feedback, in-person feedback, or both.</p>	<p>Department of Justice, City, Monitoring Team</p>	<p>Written Feedback re: First Draft</p>	<p>January 31, 2018</p>

X. Compliance and Outcome Assessments & Reporting

	Milestone	Responsible Stakeholder(s)	Deliverable	Deadline
Biennial Community Survey ¶¶ 361–366	The Monitoring Team "will conduct a reliable, comprehensive, and representative survey of members of the Cleveland community regarding their experiences with and perceptions of CPD and of public safety." (¶ 361).			
	As part of this survey, the Monitor must facilitate focus groups of the community and police officers to better understand police-community relations. (¶ 363 & Second Semi-Annual Report, at 65).			
	The focus groups of police officers are conducted.	Monitoring Team and Survey Research Firm	Focus groups conducted	August 1, 2017
	As part of this survey, the Monitor must conduct a survey of a representative sample of detained arrestees. (¶ 363 & Second Semi-Annual Report, at 65).			
Bi-Weekly Parties/Monitoring Team Compliance Status Meetings	The Parties, CPD, and Monitoring Team will continue to meet to discuss current Consent Decree implementation progress and issues and to discuss the current state of compliance.			
	The Parties, CPD, and Monitoring Team will continue to meet not less than once every two calendar weeks, if necessary, to discuss the current status of Consent Decree progress and compliance and discuss any issues related to the full and effective implementation of the Decree's requirements.	City, CPD, Department of Justice, Monitoring Team	Ongoing Bi-Weekly Compliance Status Meetings	Ongoing
Monthly Parties/Monitoring Team /CPC Compliance Status Meetings	The Parties, CPC, CPD, and Monitoring Team will continue to meet to discuss current Consent Decree implementation progress and issues and to discuss the current state of compliance.			
	The Parties, CPC, CPD, and Monitoring Team will continue to meet to discuss current Consent Decree implementation progress and issues and to discuss the current state of compliance.	City, CPC, CPD, Department of Justice, Monitoring Team	Ongoing Monthly Compliance Status Meetings	Ongoing
City Status Reports	The City will file status reports with the Court every six months. (¶ 387).			
	The City will file its fifth status report with the Court, providing a copy to the Department of Justice and the Monitor.	City	Submission of Fifth Status Report	January 23, 2018

Semiannual Monitoring Reports	The Monitor will file with the Court, every six months, written, public reports according to the requirements of paragraphs 375–376.			
	The Monitoring Team will complete its Fourth Semiannual Report.			
	The Monitoring Team will provide a copy of the Fourth Semiannual Report to the Parties in draft form.	Monitoring Team	Submission of Draft Report to Parties	December 11, 2017
	The Parties will informally comment on the Draft Report.	City, Department of Justice	Submission of Informal Comments on Draft Report	December 22, 2017
	The Monitor will consider the Parties' responses and make appropriate changes, if any, before filing the report with the Court and issuing the report publicly.	Monitoring Team	Filing of Final Report with Court	January 9, 2018
Systemic Assessments	The Monitor will conduct baseline assessments, bearing on both metrics necessary for assessing compliance and outcomes.			
	The Monitoring Team will conduct a systemic assessment of CPD officer use of force. (¶¶ 245–49).			
	The Monitoring Team will conduct an in-depth review of a random, statistically-significant sample of applications of force by CPD officers.	Monitoring Team	Review Conducted	October 1, 2017
	The Monitoring Team will provide a presentation summarizing the results its Systemic Assessment of CPD's Discipline System and Process.	Monitoring Team	Present	January 27, 2018
Updated Second-Year Monitoring Plan	The City will submit an updated monitoring plan for the second year of monitoring, covering August 1, 2017 to January 30, 2018 (the "Updated Second-Year Monitoring Plan").			
	The City will submit to the Court the Updated Second-Year Monitoring Plan upon approval of the Plan by the United States and the Monitoring Team.	City	Filing of Updated Second-Year Monitoring Plan with the Court	August 11, 2017
Third-Year Monitoring Plan	The Monitor will submit an monitoring plan for the third year of monitoring, covering February 1, 2018 to January 30, 2019 (the "Third-Year Monitoring Plan").			
	CPD and the City will provide a Draft Third-Year Monitoring Plan to the Monitor, DOJ, and other community stakeholders.	Monitoring Team	Submission of Draft Third-Year Monitoring Plan	January 8, 2018
	The Monitor, DOJ and other community stakeholders will provide comments and feedback on the Draft Third-Year Monitoring Plan.	City, CPC, CPD, Department of Justice	Submission of Feedback on Draft Third-Year Monitoring Plan	January 16, 2018
	The City will submit to the Court the Final Monitoring Plan for the Third Year.	City	Filing of Third-Year Monitoring Plan with the Court	February 1, 2018