

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>MOTION TO APPROVE COMMUNITY</u>
CITY OF CLEVELAND)	<u>AND PROBLEM-ORIENTED POLICING</u>
)	<u>POLICY</u>
Defendant.)	
)	
)	

Pursuant to Paragraphs 27 through 34 of the Consent Decree and the Fourth Year Monitoring Plan in the above-captioned matter, the City of Cleveland (the “City”), on behalf of the Cleveland Division of Police (“CDP” or “Division”), submitted a proposed Community and Problem-Oriented Policing (“CPOP”) Policy to the Monitoring Team, attached hereto as Exhibit A.

The Monitoring Team has carefully reviewed the CPOP Policy. The Policy memorializes new Division-wide expectations initially introduced in the Division’s Court-approved CPOP Plan. *See* Dkt. 237. Among other things, the Policy addresses the goal that patrol officers spend 20% of their time engaging with community residents; that CDP will strengthen partnerships with community groups and enhance its District Policing Committees; and that officers will input data

about community engagement and problem-solving activities so that CDP can subsequently analyze and iteratively improve its CPOP activities. The Monitoring Team therefore recommends that the Court approve CDP's Proposed CPOP Policy.

I. SUMMARY OF CONSENT DECREE REQUIREMENTS REGARDING COMMUNITY AND PROBLEM-ORIENTED POLICING

The Consent Decree defines “community and problem-oriented policing” as a “policing philosophy that promotes and relies on collaborative partnerships between law enforcement agencies and the individuals and organizations they serve to develop solutions to problems, increase trust in police, and improve the effectiveness of policing efforts.” Dkt. 7-1 at ¶ 414.

The Decree requires that the Division develop and implement a “comprehensive and integrated community and problem-oriented policing model” to “promote and strengthen partnerships with the community, engage constructively with the community to ensure collaborative problem-solving, and increase community confidence in the CDP.” *Id.* at ¶ 27. In developing this model, the Division will “consult with the [Cleveland Community Police] Commission[.]” *Id.* The Division's CPOP model must cover the Division's “management, policies and procedures, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.” *Id.* at ¶ 28.

CDP, under the Decree, must “ensure that officers are familiar with the geographic areas they serve, including their assets, challenges, problems, business, residential and demographic profiles, and community groups and leaders; engage in problem identification and solving activities with the community groups and members regarding the community's priorities; and work proactively with other city and county departments to address quality of life issues.” *Id.* at ¶ 29.

Moreover, the City and CDP must “maintain collaborative partnerships with a broad spectrum of community groups[,]” and CDP will implement systems to monitor and analyze “whether officers are partnering with a broad cross-section of community members to develop and implement cooperative strategies that build mutual respect and identify and solve problems.” *Id.* at ¶¶ 31, 33.

The Consent Decree also requires CDP to publish “a publicly-available community policing report detailing its community policing efforts in each District.” *Id.* at ¶ 34. The report will describe problems and solutions that the CDP has identified, as well as “identify obstacles . . . and recommendations for future improvement.” *Id.*

II. PROCEDURAL HISTORY

Shortly after finalizing the CPOP Plan, which was approved by the Court on February 20, 2019, the Division began to create official departmental policy that memorializes the contemplated changes in protocols and expectations. The Division worked through drafts of the policy, incorporating feedback from the Department of Justice and Monitoring Team. The Community Police Commission also contributed to the development of the submitted CPOP Policy, offering feedback and recommendations that the City considered in its finalization of the Policy.

CDP submitted a final draft of the CPOP Policy to the Monitoring Team on July 17, 2019.

III. STANDARD OF REVIEW

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

IV. ANALYSIS OF THE CPOP POLICY

The submitted CPOP Policy makes clear officers' expectations to actively collaborate with Cleveland residents to address public safety issues and the conditions that lead to crime. Specifically, patrol officers assigned to CDP's neighborhood districts "are expected to spend an average of 20% of their time engaging with community members to build relationships, partnerships, and trust, and collaboratively solve community concerns." Ex. A at 2. CDP members who are not tasked with patrol duties "will be responsible for engaging in CPOP activity as often as possible given the nature of their assignments." *Id.* at 3. The Policy includes examples of formal and informal activities that count as CPOP activities, such as bike and foot patrols, participating in community events and meetings, checking in with community organizations about problems they have encountered, and "identifying and solving problems in ways other than arrest, such as connecting community members to services that provide assistance such as mental health and homeless services[.]" *Id.* at 3-4. Under the CPOP Policy, "[b]rief, consensual encounters in which officers spend minimal time interacting with citizens in a voluntary, non-investigative manner do not constitute community engagement or problem-solving activities." *Id.* at 4.

A key component of the Division's commitment to community engagement will be in its ability to effectively create and strengthen active partnerships with community stakeholders. The CPOP Policy states that officers "shall form partnerships with all communities" including community organizations, community development corporations, youth advocates, LGBTQ individuals, religious and ethnic communities, block clubs, the homeless community, and community members with mental illness or other behavioral health issues. *Id.* at 4-5.

To help CDP Districts "to identify resources in their neighborhood that could assist with CPOP[.]" an Asset Map will be created and available for all officers to learn about existing

community partnerships and to effectively identify “those that do not readily interact with the Division.” *Id.* at 5. The map will be created by the City’s Office of Prevention, Intervention Office of Prevention, Intervention, and Opportunity for Youth and Young Adults, the City Planning Commission, the Safe Routes Program, the Community Relations Board, Community Development Corporations, the Cleveland Division of Police, and other community organizations. Under the Fourth Year Monitoring Plan, this map is expected to be completed and distributed by October 25, 2019. Dkt. 249.

The CPOP Policy also memorializes certain expectations initially laid out in CDP’s District Policing Committee Plan, which was approved by the Court on February 20, 2019. Dkt. 238. The submitted CPOP Policy states that “District Commanders will use the DPC meetings as opportunities to identify, assess, and collaboratively solve problems in their District. They will also use the sessions to solicit input on the Division[’]s policies and procedures.” Ex. A at 5. Further, DPCs will survey community members to assess the Division’s performance in its CPOP activities and its overall performance. *Id.*

The CPOP Policy also mandates the collection of data that will be used to track all CPOP activities. There will be separate forms for Community Engagement and for Collaborative Problem-Solving. The policy includes data fields that will be mandatory for the collection of community engagement activities, such as the date and location of the event; whether the encounter was officer-initiated; whether the event was an organized event; and the type of officer-initiated engagement, e.g. social contact, community problem-solving. The CPOP Policy also outlines data fields mandatory for the collection of problem-solving activities, such as a description of the problem; how the problem was identified; strategies used to address the problem; who was involved in the response; results; and whether the problem will require follow-up. *Id.* at 6-7.

Under the proposed CPOP Policy, officers will not be subject to discipline “based solely on their inability to meet CPOP expectations. However, meeting or not meeting expectations about engaging in community engagement and problem-solving activities shall be used in the evaluation process in determining promotions, assignments, and evaluations.” *Id.* at 7-8.

Supervisors will have significant responsibilities under the CPOP Policy to ensure that line officers are taking seriously the duty to engage with Cleveland residents in a positive manner. Supervisors shall “[p]rovide opportunity, support, guidance, and education to officers to ensure that CPOP is being effectively implemented.” *Id.* at 8. Further, they shall “[r]ecognize officers who excel at positively engaging the community and/or collaborative problem-solving, and remediate those that are not effectively implementing the CPOP process and principles.” *Id.*

The Monitoring Team notes here that the submitted CPOP Policy, as official Division policy that must be adhered to by all CDP members, represents an important step in taking the Division from the initial CPOP Plan—described by the Team as “an important and commendable statement of vision”—toward operationalizing the principles of community engagement and problem-solving. Dkt. 234 at 11. This Policy is not the endpoint. CDP still must enact the operational changes—including in deployment, staffing, resource allocation, and continued training on community engagement—that will allow it to best collaborate with Cleveland residents in identifying and resolving public safety problems.

V. CONCLUSION

The task of the Monitoring Team is to duly consider whether the City’s submitted CPOP Policy satisfies the terms of the Consent Decree. The Monitoring Team concludes that the policy meets the terms of the Consent Decree. Accordingly, the Monitor approves the CPOP Policy in its entirety and requests that this Court order it effective immediately.

Respectfully submitted,

/s/ Hassan Aden

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CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2019, I served the foregoing document entitled Motion to Approve Community and Problem-Oriented Policing Policy via the court's ECF system to all counsel of record.

/s/ Ayesha Bell Hardaway
AYESHA BELL HARDAWAY

EXHIBIT A



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE:	CHAPTER:	PAGE: 1 of 8	NUMBER:
SUBJECT: COMMUNITY AND PROBLEM-ORIENTED POLICING			
CHIEF:			

PURPOSE: To establish guidelines for officers of the Cleveland Division of Police relative to community engagement and problem-solving policing to provide clarity in regards to the expectations of all members. Members of the Division are a visible, important, and influential segment of the entire community. Communication and collaboration among all segments of the community are vital.

POLICY: The Division cannot produce a safe community alone. Instead, the Division must partner and build relationships across the community to ensure public safety and address community concerns. Community and Problem-Oriented Policing (CPOP) is an organizational strategy that promotes community partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. It is the responsibility of all members of the Division beginning with the Chief, through the chain of command to every officer without regard to where they are assigned. CPOP is not the sole responsibility of any single district, bureau, or unit.

CPOP is at the core of how the Division recruits and hires, allocates resources, trains, promotes, evaluates officers and the Division, and collects data. All officers shall incorporate bias-free and procedural justice principles during any interaction with the community.

DEFINITIONS:

Asset Map: A tool used to “inventory community resources. It contains locations of recreation centers, schools, faith-based organizations, and community resource/organization locations, and mapped for each District. It will be distributed to all commanders and available to all officers.

Casual Encounter: A voluntary encounter between the police and an individual with the intent of engaging in informal, and/or non-investigative conversation. A reasonable person in the individual’s position would feel free to leave and/or decline any of the officer’s requests at any point.

Collaborative Problem-Solving: Any act or engagement where officers, in collaboration with the public, are attempting to identify sources of community problems, co-produce a solution, and assess the outcome.

Community Engagement: Any interaction with an individual or group other than through criminal investigation or casual encounter.

Community Outreach: An activity that provides services to community members who might not otherwise have access to them.

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Community and Problem-Oriented Policing Activity: CPOP is a combination of the core principles of community policing and the methodology of collaborative problem solving (also referred to as problem-oriented policing). Community policing principles refer to the manner in which the Division and its officers routinely and proactively engage the community to create partnerships and co-produce public safety. It also applies to the aligning of organizational structure to reflect and support partnerships and community needs/wants throughout the Division.

District Policing Committees (DPC): Formerly called District Community Relations Committees, DPCs are used as a method of establishing and maintaining relationships with community members. There is one DPC per Police District, and each DPC is co-chaired by the District Commander and a civilian resident. The Co-Chairs are assisted by a representative from the Community Relations Board (CRB). DPC meetings are open to all members of the community. They provide direct access to the district commander and other members of law enforcement. Residents, the Commanders, and officers communicate about topics such as crime statistics, strategies to address problems, upcoming events and initiatives, CDP policy and practices, and any matter that may arise.

Partnership: Any arrangement, or information sharing, formal or informal, that the Division participates with an individual or an organization that is community-based, public or private that will help increase public safety.

Procedural Justice: Four central principles designed to build public confidence in the police by 1) treating people with dignity and respect; 2) giving individuals a chance to be heard during encounters; 3) making decisions fairly and transparently, based on facts; 4) conveying goodwill and trustworthiness.

SARA Model: A core component of CPOP involves officers collaboratively engaging the community to address safety issues in an area. One method that CDP officers will use is the SARA model (Scanning, Analysis, Response, and Assessment). The “scanning” step refers to several methods to identify problems and potential consequences of the problem. “Analysis” refers to identifying the conditions of the problems, understanding and researching the known elements of the problem, and identifying relevant data and available resources. The “response” portion of SARA refers to the steps taken to solve the problem, and “assessment” refers to the evaluation of the strategy used.

PROCEDURES:

I. CPOP Activity

- A. Officers shall be familiar with the geographic areas that they serve, including their assets, challenges, problems, business, residential and demographic profiles, and community groups and leaders; engage in problem identification and solving activities with the community groups and members regarding the community’s priorities; and work proactively with other city and county departments to address quality of life issues.
- B. Members assigned to the patrol section and assigned to patrol duties are expected to spend an average of 20% of their time engaging with community members to build relationships, partnerships, and trust, and collaboratively solve community concerns.

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- C. There is no mandatory minimum amount of time that officers must meet in a given shift, week, or year. Circumstances beyond the control of the officer and Division may allow officers to spend more or less time depending on call volume, emergencies, staffing needs, and other practical realities.
- C. Members that are not assigned to the patrol section or otherwise tasked with patrol duties will be responsible for engaging in CPOP activity as often as possible given the nature of their assignments. The percentage of time expected to engage in CPOP activities for personnel not permanently assigned to patrol will be based on the daily duties of the individual bureaus/units and determined by the practicality of the opportunities presented to those bureaus/units. Bureau/Unit Officers in Charge and Commanders will determine the frequency with which non-patrol personnel is expected to engage in CPOP activities and will ensure that it is clearly defined and a part of their performance objectives.
- D. Community engagements include both formal, organized activities and more informal, officer-initiated activities. Formal activities may include, but are not limited to, the following:
1. Bike/Foot patrols used for the sole purpose of community engagement.
 2. Neighborhood walks and talks.
 3. Participation in community events/meetings.
 4. Hosting and participation in Safety Fairs.
 5. Division presentations and training such as personal safety, career day, Citizens Academy, etc.
 6. Providing a community service such as providing maintenance, providing a ride, or making a donation.
 7. Collection and review of data to engage in collaborative problem-solving with community members to improve a problem in the neighborhood.
- E. Informal activities may include, but are not limited to, the following:
1. Following up with crime victims.
 2. Checking in with business owners, school representatives, or community organizations to ask about problems that they may have encountered and how the police can assist.
 3. Encouraging community members to participate in District Policing Committees and block clubs.
 4. Reading books to children.

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5. Visiting recreation centers, mental health facilities, businesses, places of worship, schools, etc.
 6. Getting acquainted with community members.
 7. Encouraging community members to connect with the Division and their respective District on social media.
- F. Problem-solving activities include, but are not limited to, the following:
1. Working with community members to identify and solve sources of community problems.
 2. Officer initiated actions to identify and solve sources of community problems.
 3. Working proactively with other City and County Departments to address quality of life issues.
 4. Create and implement action plans with community members.
 5. Using data to identify and resolve problems, or things that happen multiple times, for both the community and police, such as finding the top ten addresses for calls for service in the zone.
 6. Identifying and solving problems in ways other than arrest, such as connecting community members to services that provide assistance such as mental health and homeless services, drug treatment facilities, and domestic violence agencies.
- G. Brief, casual encounters in which officers spend minimal time interacting with civilians in a voluntary, non-investigative manner does not constitute community engagement or problem-solving activities.

II. Community Partnerships to Improve Public Safety

- A. Members of the Division are expected to build and maintain active partnerships with community stakeholders to improve public safety.
- B. To create partnerships, officers shall get to know the communities that they patrol and learn their safety needs and wants.
- C. Officers shall form partnerships with all communities that include but are not limited to:
 1. Civilians and community organizations.
 2. Community Development Corporations.
 3. Youth and youth advocates.

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4. LGBTQ individuals.
5. Religious and ethnic communities.
6. Block clubs.
7. Homeless community.
8. Community members with mental illness or other behavioral health issues, and the organizations representing those communities.

D. Asset Map

1. An asset map is a reference source for the districts to use to identify resources in their neighborhoods that could assist with CPOP. Each district has a unique mix of communities with distinct wants/needs, and many may not be exclusive to a pinpoint on a map. The map depicts the makeup of the neighborhoods in the Districts and will benefit personnel as they create partnerships and coproduce safety, especially as it relates to those that do not readily interact with the Division.
2. The map is available for all officers and may be used as a tool to learn community partners.
3. The map is produced in collaboration with the City of Cleveland Office of Prevention, Intervention, and Opportunity for Youth and Young Adults, the City Planning Commission, the Safe Routes Program, the Community Relations Board, Community Development Corporations, the Cleveland Division of Police, and other community organizations.
4. The Commander of the Bureau of Community Policing will ensure that the map is updated yearly, and made available to all personnel electronically.

E. District Policing Committees DPC District Policing Committees

1. DPCs are an essential part of the Division's CPOP plan because they are one of the tools at the Division's disposal for engaging the community and conducting problem-solving.
2. District Commanders will use the DPC meetings as opportunities to identify, assess, and collaboratively solve problems in their District. They will also use the sessions to solicit input on the Divisions policies and procedures.
3. The DPCs will assess the Divisions overall performance and its CPOP activities by surveying community members.
4. Officers will use the DPCs as an opportunity to know better and understand the members of the community that they patrol and create relationships and partnerships.

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5. The interactions at DPCs are informative and used to build community/police relationships.
6. Officers shall encourage community members to attend DPC meetings.

III. Data Collection

- A. Officers shall document all CPOP activity, including both community engagement and problem-solving (CPPOP/SARA) using the Division's data collection software.
- B. For each CPOP activity that officers participate in, a computer-aided dispatch (CAD) number shall be generated.
 1. If a call for service leads to a CPOP activity, a separate CAD number shall be generated.
- C. Officers shall complete a data entry form for all CPOP activity using the related Community Engagement or CPOP/SARA Forms within the data collection software system. All mandatory data fields within the forms shall be entered accurately and completely.
 1. Mandatory data fields within the Community Engagement Form include but are not limited to, the following:
 - a) The date and location of occurrence of the event.
 - b) The duration of the event.
 - c) The amount and badge numbers of the officers involved.
 - d) The assignment(s) of the officer(s) involved.
 - e) An estimated number of community participants.
 - f) The demographic information of the community participants.
 - g) Whether or not the encounter was officer-initiated.
 - h) Whether or not the encounter was school-related and if so, the type of school-related events such as career day, lunch with students, DARE, or other safety presentations.
 - i) Whether or not the event was an organized event (e.g., block clubs, community meetings, holiday events) and if so, the type of organization involved (e.g., business, faith-based, social service).

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- j) The type of officer-initiated engagement (e.g., social contact, community service, community problem-solving).
 - i. Social contact includes activities such as a casual conversation/interaction, mentoring, or phone/email contact.
 - ii. Community service includes activities such as welfare checks, safety recommendations, or providing items or gifts.
 - iii. Community problem-solving includes activities such as assisting an individual in resolving a specific issue, coordinating with other agencies/services.
- 2. Mandatory data fields within the CPOP/SARA form may vary based on the necessary strategies taken to resolve the problem. The data fields include, but are not limited to, the following:
 - a) A brief description of the problem.
 - b) The nature of the problem.
 - c) How the problem was identified.
 - d) When the problem occurs.
 - e) How long the problem has occurred for.
 - f) What strategies were used to address the problem?
 - g) Who was involved in the response?
 - h) What difficulties were faced?
 - i) The results/conclusions of the efforts.
 - j) The factors supporting the results/conclusions.
 - k) How long did it take to resolve the problem?
 - l) Whether or not the problem will need follow-up.
 - m) The status if the problem.

II. Accountability

- A. Officers will not be subject to discipline based solely on their inability to meet CPOP expectations. However, meeting or not meeting expectations about engaging in

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community engagement and problem-solving activities shall be used in the evaluation process in determining promotions, assignments, and evaluations. (Refer to GPO 1.1.08 Performance Evaluations. Performance Evaluations is currently in the revision process.)

V. Supervision

A. Supervisors shall:

1. Ensure that officers assigned to the Patrol Section devote time in their work day to community engagement activities.
2. Provide opportunity, support, guidance, and education to officers to ensure that CPOP is being effectively implemented.
3. Provide support, guidance, and education to ensure that officers incorporate CPOP, Bias-Free, and Procedural Justice Principles during interactions with citizens. (See GPO 1.01.08).
4. Recognize officers who excel at positively engaging the community and/or collaborative problem-solving, and remediate those that are not effectively implementing the CPOP process and principles.
5. Ensure that officers are actively participating in community meetings and events and assign officers to community meetings and events when they are not.
6. Ensure that their officers are equipped with and carry business cards.
7. Ensure that officers are entering Community Engagement and CPOP data properly into the data collection software.