

**RECOMMENDATIONS FOR CLEVELAND-DOJ CONSENT DECREE  
PRESENTED BY GREATER CLEVELAND CONGREGATIONS  
February 3, 2015**

**Our shared expected outcome from this process is: an effective, constitutional police force serving the Cleveland community - a place where we want to live, work, worship and play.**

- I. **CONSTITUTIONAL POLICING:** The Cleveland Division of Police (CDP) must follow clearly established constitutional standards.

**The consent decree (CD) must require the development and revision of the following policies and procedures, while recognizing the interrelationships between the policies<sup>1</sup>:**

- **Bias-free policing** (including race/ethnicity/language, gender, LGBT, religion, disability, ...)², including issues of disproportionality and racial discrimination
- **Use of force** including:
  - the use of any force is only one possibility on a continuum of appropriate interactions between the police and the community it serves³
  - investigations (and, when appropriate, resulting disciplines and/or prosecutions) of all deaths at the hands of the police will be conducted independently of the City of Cleveland and Cuyahoga County⁴
- **Stops, searches, seizures and arrests** (including documenting and analyzing the rationale of any such interactions)⁵

- II. **REORGANIZE INTERNAL ACCOUNTABILITY:** In order to follow constitutional standards, the CDP must be reorganized to ensure that the best available personnel are fully supported and appropriately disciplined as they engage in police best practices; and that there is systematic collection and review of accurate data to ensure that best policies and procedures are in place and being followed.

**The consent decree must require the review and revision of the policies, procedures and practices within the CDP concerning:**

- **Personnel**, including:
  - Recruiting for a diverse work force (race, ethnicity, language, gender; increasingly reflective of the community served)⁶
  - Screening and hiring practices (to ensure full vetting of all prospective CDP employees)⁷
  - Training on all aspects of performance expectations for excellent policing, including:
    - Specialized training, including but not exclusively,
      - Training for particular responsibilities within the CDP, e.g., supervisory responsibilities; dispatch
      - Practices for dealing with people with behavioral disorders or who are under the influence of substances⁸
      - Strategies for de-escalation and non-violent engagement
      - Racial and cultural sensitivity training
    - Extensive initial and regular continuing education, with evaluations

for competence<sup>9</sup>

- Supervision, evaluation<sup>10</sup>, mentoring, support, discipline practices<sup>11</sup>, including:
  - Establishing clear expectations, providing strong supervision, resulting in coordinated discipline and re-training<sup>12</sup>
  - Providing mandatory early intervention for behavior issues<sup>13</sup>
- Coordinating union contracts and procedures with CDP standards and policies<sup>14</sup>
- **Information collection and analysis<sup>15</sup>**, including:
  - Mandated **demographic** (e.g., race, gender, etc.) reporting on **all** interactions between police and community members<sup>16</sup>
  - Mandated **detailed** reporting on all stops, searches, seizures, arrests and use of force<sup>17</sup>
  - **Mandated** reporting (by all CDP employees) of all observed **police misconduct**, with protections for those who report<sup>18</sup>
  - Mandated review (and investigation, when appropriate) by supervisors and other lines of command of all reports, **according to established, legal standards**
  - Mandated data collection, aggregation and **analysis separate from chain of command** (for ensuring compliance with CD outcomes and recommending potential policy, procedure changes)
- **Full resource support** for all necessary equipment, infrastructure, personnel, training, etc.

III. **COMMUNITY ENGAGEMENT - PERMANENCY, TRANSPARENCY, ACCOUNTABILITY:** Without community involvement a CD will fail because the level of distrust between the police and the community is too high for changes to be successful. Full transparency, which allows for open communication and oversight, is essential. After the CD is implemented, there must be continuing community involvement through permanent structures to continue to involve the community and police together in the maintenance of excellence of police service to the public.

**The consent decree must establish permanent independent structures and processes in the community, for long-term, sustained cooperation, communication and accountability, including:**

- To ensure external review of citizen complaints, revise the organization, policies and procedures for the Office of Professional Standards and Police Review Board to include clear responsibilities and real powers which, in fact, provide thorough external review of civilian complaints, with:
  - Wide distribution of citizen complaint forms<sup>19</sup>
  - Transparency by reporting to the community
- An **independent Inspector General or Auditor<sup>20</sup>**, mandated to audit compliance with established CDP policies, procedures and practices on a periodic basis and to report the results publicly
- A **permanent, independent Community Police Commission<sup>21</sup>**, representative of and accountable to the community and established for permanence:

- to promote and continue community-police communication, relationships and problem-solving
- to propose policy and procedure changes
- to oversee the work of the court monitor and the independent auditor
- to conduct a biannual survey of the community on police and public safety<sup>22</sup>
- to provide community legal education
- to hold regular meetings with the community, the police, the monitor and other stakeholders
- **Transparency, including:**
  - Prompt public posting of all CDP data, policies and budgets<sup>23</sup>:
    - Including
      - Court Monitor's reports
      - Independent Audit reports
      - Community Police Commission reports
      - All CDP policies and procedures
      - All proposed changes to policies and procedures, with sufficient time for comment
      - All aggregated data
      - All other publicly available data
    - On a designated official website
  - Regular meetings with community and monitor and police, while the consent decree is in effect, and continued regular meetings with community and police and others, continuing indefinitely

IV. **FINANCIAL SUSTAINABILITY:** The City is obligated to fully implement the consent decree. Many requirements will have real costs that the City must meet. Resources to support successfully accomplishing the goals of the Consent Decree and to continue the progress must be budgeted by the City as a top priority.

**The consent decree must include:**

- DOJ will provide technical assistance in locating funding for implementation<sup>24</sup>
- City will realistically determine financial costs of compliance with the Consent Decree and identify all sources of funding, including prioritizing funding in the City budget
- To tailor the Consent Decree to the Cleveland context, the City will identify, coordinate with and contract with local public and private service providers with expertise in needed areas<sup>25</sup>

---

<sup>1</sup> These three policies are the most important concepts of the Consent Decree. They are interrelated in many ways that have been documented in many places, including Cleveland. E.g., if there is racial profiling stops and arrests, certain groups of people are being placed in the pipeline to prison disproportionately and unconstitutionally. *GCC's highest priority is that the Consent Decree specifically name bias-free policing as a mandate*; if it does not, the other important constitution-based policies will not be successful.

---

<sup>2</sup> There is currently an ordinance drafted for Cleveland City Council but not yet introduced. If Council passes it, it may provide a framework for the language of the CD.

<sup>3</sup> Seattle's CD includes gradations of "use of force" that require reporting, investigation and analysis. But good policing requires that officers have a full range of skills with prioritization of non-force interventions for each individual interaction.

<sup>4</sup> In light of recent events in Cleveland, other parts of Ohio and other states, it is important for public trust that investigations and subsequent proceedings in all deaths at the hands of the police are external to the City of Cleveland and Cuyahoga County.

<sup>5</sup> The DOJ has negotiated many CDs that include excellent language for describing and implementing these policies. It is not our intent to state specifically what the constitutional mandates are. We are looking for ways to put the mandates into practice consistently.

<sup>6</sup> An example would be recruiting within the Cleveland Municipal School District.

<sup>7</sup> An unfortunate example in CDP is the inadequate vetting of the rookie police officer who shot and killed Tamir Rice. The DCP should also revise its educational and other qualifications for employment.

<sup>8</sup> Currently about 400 of the 1,500 employees in the CDP have received CIT (Crisis Intervention Team) 40-hour training through the CCADAMHS (Cuyahoga County Alcohol, Drug and Mental Health Services) Board and its service providers. If more are trained, leading to more deployed on every shift, the trainers must have the capacity to expand their work. The CD should also include who should be trained in CIT; for example, should all be trained? A certain percentage who are available on each shift plus dispatchers? In addition, the CMHA (Cuyahoga Metropolitan Housing Authority Police) has a PAR (Police Assisted Referral) Program that trains CMHA police on referrals to human service providers, to assist the individuals with whom they interact.

<sup>9</sup> It is obvious that the CDP must ensure much more extensive training, initially as well as continuing on the job training. If a beautician needs more hours of training to be licensed than a police officer needs to serve and protect our community, there is something wrong.

<sup>10</sup> This includes regular evaluation of all staff, including senior leadership, using established standards and expectations.

<sup>11</sup> Other CDs with New Orleans, Seattle and Albuquerque provide substantial examples of personnel policies. Included in Cleveland's should be mechanisms for dealing with employees who are obstructing implementation of the CD.

<sup>12</sup> Currently the processes of review of personnel are poorly coordinated, incomplete, untimely, using incorrect legal standards; this must change.

<sup>13</sup> CDP's early intervention program, to help identify risky and problematic trends in officer behavior, should be used to provide individualized supervision and support to officers and to manage risk. Cleveland's current program must be improved and made mandatory.

<sup>14</sup> Understanding that the CD is between the DOJ and Cleveland, GCC expects that the unions' and Black Shield Association's voices will be heard so that there is cooperation rather than confrontation in moving forward.

<sup>15</sup> The DOJ 12/4/2014 report describes lapses in accurate reporting and data collection and little investigation and analysis; the CD must set up systems of accurate reporting, data collection, and individual and systemic analysis, to give feedback on individual interactions (good and bad) for individual accolades or improvement (re-training, discipline) and to ensure regularly scheduled, informed analysis of policies and procedures to inform revisions.

---

<sup>16</sup> Demographic information on every individual interaction is vital in order to determine patterns and practices of constitutional and unconstitutional police work, particularly related to stops, searches, arrests, seizures, and use of force.

<sup>17</sup> Particularly related to stops, searches, arrests, seizures and use of force, standards of detailed reporting without use of “boilerplate” need to be established, vigorously enforced and supported with sufficient technology, time and training.

<sup>18</sup> Some other cities mandate that all police employees must report incidents they have observed of violations of policies or procedures, with anonymity and other protections for whistle-blowing.

<sup>19</sup> CDs from other cities include wide distribution of complaint forms and easy submission outside of the CDP as important items to enhance the effectiveness of civilian complaint review boards.

<sup>20</sup> In Seattle there is a mandated police department auditor; something similar should be established in Cleveland, to carry on the work of the court-appointed monitor.

<sup>21</sup> A Community Police Commission was established in Seattle. Cleveland’s should have similar responsibilities.

<sup>22</sup> New Orleans and Cincinnati conduct regular community surveys in regard to the police.

<sup>23</sup> Seattle posts regularly, accurately and extensively, as part of its CD. The CDP’s financial information, including budgets, should be posted. In addition, information related to civil and criminal court cases against the CDP and/or its officers should be posted.

<sup>24</sup> This is in other CDs.

<sup>25</sup> See footnotes vi, viii above for examples.