

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.)	
)	
CITY OF CLEVELAND)	<u>MOTION REGARDING ALL-OFFICER,</u>
)	<u>EIGHT-HOUR CRISIS INTERVENTION</u>
Defendant.)	<u>TRAINING</u>
)	

Pursuant to Paragraph 143 of the Consent Decree and the Second-Year Monitoring Plan, the City of Cleveland (the “City”) has submitted to the Monitoring Team a curriculum for providing training in responding to individuals experiencing a behavioral crisis – including mental health, substance abuse, and other behavioral health challenges – to all Cleveland Division of Police (“CDP” or the “Division”) officers. The curriculum contains four courses or units to be taught over eight hours (collectively, the “Eight-Hour Curriculum”). These courses cover the new CDP Crisis Intervention Policy, attached hereto as Exhibits A through F; an Orientation to Mental Illness, attached hereto as Exhibits G through I; an introduction to Communication and Active Listening, attached hereto as Exhibits J through L; and an explanation of the Command and Control Paradox, attached hereto as Exhibits M through O. For each course, the attached documents include a PowerPoint presentation file that will be used

in the training, a lesson plan covering the specific curriculum, and an instructor's manual that provides training personnel with additional information.

The Monitor has previously updated the Court on the City's establishment of a Mental Health Response Advisory Committee (the "Advisory Committee") pursuant to Paragraphs 132 through 134 of the Consent Decree. Dkt. 97 at 7. The City partnered with the Alcohol, Drug Addiction and Mental Health Service Board of Cuyahoga County ("ADAMHS Board") to develop this Advisory Committee. *Id.* at 37. The Advisory Committee consists of members of the community; including mental health professionals, advocates, individuals recovering from mental illness and addiction disorders, Cleveland's Municipal Court, the State of Ohio Criminal Justice Coordinating Center of Excellence ("CJCCOE") as well as representatives from the City and CDP. *Id.* Representatives from the U.S. Department of Justice ("DOJ") and the Monitoring Team also participate in the Advisory Committee's meetings. The Advisory Committee continues to meet regularly and has worked hard to "foster relationships and build support between the police, the community and mental health providers." Dkt. 7-1 ¶ 132.

The Advisory Committee appointed a Training Subcommittee to work with CDP and the City to develop a set of curricula that met the Decree's requirements that all CDP "officers . . . be provided with at least eight hours of initial training . . . adequate in quality, quantity, type, and scope" addressing, among other things, "how situations involving individuals in crisis should be addressed" *Id.* ¶ 143. The development of the curriculum to satisfy this initial training obligation took many months of hard work. This Eight-Hour Curriculum is the first curriculum developed by the Training Subcommittee. The Training Subcommittee and CDP obtained significant community input from individuals recovering from mental illness, advocates, local, state, and national experts. The Department of Justice and Monitoring Team provided technical

assistance throughout the process. The Advisory Committee as a whole ultimately approved the curriculum now submitted to the Court.

The Monitoring Team has closely reviewed the final Eight-Hour Curriculum. It concludes that the Curriculum reflects an exceptionally high-quality curriculum that follows best practice strategies concerning effective adult learning. The curriculum covers an impressive but reasonable quantity of material within the eight hours provided. It focuses on the type of training that will strengthen the officers' capacity to respond to individuals experiencing a behavioral crisis and provides enough scope to build a good foundation for future annual in-service training. *Id.* ¶ 143. More specifically, the training addresses the circumstances in which a specialized CIT officer should be dispatched or consulted and addresses how situations involving individuals in crisis should be addressed if a specialized CIT officer is not immediately available. *Id.* ¶ 143.

Indeed, the training that the Division, Advisory Committee, and representatives of the Cleveland community have collaboratively developed represents some of the strongest and best training on basic crisis intervention issues that the Monitoring Team's experts have seen across the country. The Monitor commends the extraordinary progress and high-quality work product that the Advisory Committee has generated to date. Since the City has submitted a training curriculum that has met both the requirements and intent of the Consent Decree, the Monitoring Team recommends approval of the Curriculum.

I. SUMMARY OF CONSENT DECREE REQUIREMENTS REGARDING CRISIS INTERVENTION RESPONSE AND PROCEDURAL HISTORY

The DOJ 2014 investigation concluded that officers use excessive force against individuals who are in mental health crisis – in part because the Division's "crisis intervention policies and practices are underdeveloped." U.S. DEP'T OF JUSTICE, CIVIL RIGHTS DIV. & U.S. ATT'Y OFFICE NOR. DIST. OF OHIO, FINDINGS LETTER ON INVESTIGATION OF THE CLEVELAND

DIVISION OF POLICE (Dec. 4, 2014) [hereinafter 2014 FINDINGS LETTER] at 4, 52. Consequently, the Consent Decree includes a series of requirements aimed at building upon and improving the Division's crisis intervention programs. As the Monitoring Team has previously described, the first, important step to updating Cleveland's approach to addressing individuals experiencing behavioral crisis involved the establishment of a Mental Health Advisory Committee as a forum for effective problem-solving regarding the interaction between the criminal justice system and the mental health care system as well as creating a context for sustainable change. Dkt. 97 at 37–38; *see* Dkt. 7-1 ¶¶ 131–59 (describing structure and duties of the Advisory Committee).

Subsequently, the Consent Decree required that CDP, in partnership with the Advisory Committee, revise its crisis intervention policies. *Id.* ¶¶ 153–57. New crisis intervention policies, created by the Division in partnership with the Advisory Committee and broader Cleveland community, were submitted to the Court in January 2017, Dkt. 103, and approved by the Court. Dkt. 115.

The Consent Decree requires that the Division “provide training on responding to individuals in crisis to all of its officers” Dkt. 7-1 ¶ 143. Specifically, the Consent Decree indicates that “officers will be provided with at least eight hours of initial training,” and that “the initial and annual training will be adequate in quality, quantity, type, and scope, and will include the circumstances in which a specialized CIT officer should be dispatched or consulted and how situations involving individuals in crisis should be addressed if a specialized CIT officer is not immediately available.” *Id.*

The Advisory Committee formed a Training Subcommittee to develop the curriculum necessary to meet the training requirements set forth in the Consent Decree. Much like the Advisory Committee, the Training Subcommittee had representatives from CDP, the ADAMHS

Board, advocates, individuals in recovery, mental health and substance abuse professionals, administrators, and the Department of Justice and the Monitoring Team.

The Advisory Committee engaged in an intense process of community input and needs assessment which included public comment on CDP training needs. In addition to the 2014 Findings Letter and the Consent Decree, the Subcommittee was also guided by two reviews of the CDP Crisis Intervention program and curriculum developed by the State of Ohio. The first review was from the ADAMHS Task Force to address recommendations for the Consent Decree. MENTAL HEALTH TASK FORCE RECOMMENDATIONS FOR THE CONSENT DECREE BETWEEN THE U.S. DEPARTMENT OF JUSTICE AND THE CITY OF CLEVELAND DIVISION OF POLICE, ADAMHS BOARD OF CUYAHOGA COUNTY MENTAL HEALTH TASK FORCE 1-5 (Mar. 2015). The ADAMHS Task Force recommendations suggested that an initial training for all officers should include a basic introduction to mental health. The report further recommended that after an initial mental health training, all officers should know how to diffuse or de-escalate a situation when dealing with individuals with mental illness. The building block of such de-escalation training was viewed as one that addressed communication and the importance of tone, compassion and respect. The second review was the CJCCOE CIT Peer Review. CDP CIT Peer Review, WOODY M, FUTO J, AND LILLEY P, CRIMINAL JUSTICE COORDINATING CENTER OF EXCELLENCE 1-13 (Apr. 2015). The CJCCOE report supported many of the recommendations of the ADAMHS Task Force but also suggested the CDP training include coverage of the responsibilities and capacities of CIT officers as well as providing more interactive learning opportunities.

Since the implementation of the Consent, the Ohio Peace Officer Training Commission issued a new Crisis Intervention training curriculum for Ohio Peace Officers. These new requirements include a series of courses on mental health and de-escalation. Peace Officer Basic

Training Crisis Intervention, Ohio Peace Officer Training Commission: Education & Policy Section 1-156 (Jan. 2016). Additionally, the Ohio Attorney General's "Interacting with and De-escalating the Special Needs Population" curriculum provided the Training Subcommittee guidance for the development of the CDP 8-Hour Curriculum.

The Training Subcommittee decided that a focus on the quality of instruction and the ability of the training to have a meaningful impact on the officer was more valuable than covering a large quantity of topics – in part because the initial, Eight-hour part of a five-year plan of providing annual training to officers that will cover important, specialized topics.

The Subcommittee also determined that the 8-Hour Curriculum to be one that would use current methods of conflict resolution. The training set a goal of teaching officers, whether for the first time or as a refresher, to connect with an individual that is experiencing a mental health crisis and show ways that the officer can direct them to the most efficient method of resolving this conflict. The CDP trainer would be paired during the training with a mental health professional, chosen by the ADAMHS Board, to ensure that the training benefits from both practical and clinical expertise. This strategy of including both law enforcement and healthcare professions in the teaching process is a highly commendable, collaborative approach.

The final draft of the Eight-Hour Training represents a product that has been through several stages of in-depth development. The initial product of the Training Subcommittee was an outline of topics for the CDP Eight Hour Training. That outline went through extensive review and feedback, which ultimately led to a more limited but realistic set of topics for the first eight hours of training. The feedback on the outline led to the first draft, which was also the subject of extensive review and feedback from a broad array of stakeholders. The final draft of

the Eight-Hour training was reviewed and approved by both the Training Subcommittee and the Advisory Committee as a whole.

Thus, the process that the City and Division have used to address the Consent Decree's crisis intervention training requirements to date demonstrates that CDP and the MHRAC Advisory Committee are continuing to work cooperatively to meet the terms of the consent decree in creating reform in CDP's program of response to individuals in crisis. This is further evidence that CDP and the MHRAC have created a dynamic forum for community input and problem solving, developed a new crisis intervention policy, and are now addressing the crisis intervention training needs of the department.

II. STANDARD OF REVIEW

The Monitor's general role is to "assess and report whether the requirements" of the Consent Decree "have been implemented." Dkt. 7-1 ¶ 351; *accord id.* ¶ 352 (requiring the Monitor to "review . . . policies, procedures, practices, training curricula, and programs developed and implemented under" the Decree). The specific task of the Monitor here is to determine if the CDP Crisis Intervention 8-Hour Training submitted to the Monitor complies with the Consent Decree's requirements. The procedural history outlined in the previous section demonstrates that CDP and the MHRAC Advisory Committee are continuing to work cooperatively to meet the terms of the consent decree in creating reform in CDP's program of response to individuals in crisis. CDP and the MHRAC have created a forum for community input and problem solving, developed a new crisis intervention policy, and are now addressing the crisis intervention training needs of the department.

The Monitoring Team, the Department of Justice, and the Advisory Committee has a number of Crisis Intervention Team ("CIT") experts who are active participants in the Training

Subcommittee. Many of these experts have worked on the national level implementing successful CIT programs. These same experts have been responsible for developing and evaluating crisis intervention curricula for programs in the state of Ohio and other areas throughout the nation, including municipalities involved in the consent decree process.

The Crisis Intervention Team model itself is now in over 3,000 municipalities nationwide, which allows for the Monitoring Team to gauge the Division's training in light of similar training initiatives implemented elsewhere. The Training Subcommittee studied a wide range of state and national curricula in developing the CDP 8-Hour Crisis Intervention Training for all officers. Specifically, The Training Subcommittee examined a series of nationally available curricula at the University of Memphis CIT Center website that was developed for the Department of Justice Bureau of Justice Assistance national curriculum study, the recently-developed Ohio Peace Officer Basic Training Crisis Intervention training program, and the Ohio Attorney General's "Interacting with and De-escalating the Special Needs Population" curriculum.

The Monitoring Team also reviews the Eight-Hour Curriculum, like all training curricula under the Consent Decree, in light of current best practices in adult education and adult learning. For instance, the Team considers whether the training is sufficiently trainee-centered, emphasizes different learning styles (visual, auditory, and the like), and uses interactive techniques to develop practical skills. *See, e.g.,* J.R. Oliva and M.T. Compton, *What Do Police Officers Value in the Classroom? A Qualitative Study of the Classroom Social Environment in Law Enforcement Education*, 33 POLICING: AN INTERNATIONAL JOURNAL OF POLICE STRATEGIES & MANAGEMENT 321–38 (2010). Studies that have focused on the complete CIT crisis intervention curriculum have found that officers are more confident of their de-

escalation skills as a result of CIT Training and demonstrate a positive change towards individuals with mental illness. See R. Borum, et al, *Police Perspectives on Responding to Mentally Ill People in Crisis: Perceptions of Program Effectiveness*, 16 BEHAVIORAL SCIENCE AND THE LAW 393–405 (1998); M.T. Compton, et al, *Crisis Intervention Team Training: Changes in Knowledge, Attitudes, and Stigma Related to Schizophrenia*, 57 PSYCHIATRIC SERVICES 57 1199–1201 (2006).

III. GENERAL ANALYSIS OF THE CDP 8-HOUR TRAINING CURRICULUM TO TRAIN ALL OFFICERS

The Eight-Hour Curriculum to train all officers on crisis intervention meets the requirements of the Consent Decree. The Policy course or module, Exhibits A through F, of the Curriculum covers an in-depth overview of the policy for all officers. As required by the Consent Decree, the course does a good job of including the circumstances in which a specialized CIT officer should be dispatched or consulted. The course also covers a range of new policy directives, which include the role of EMS in the crisis event and crisis resources available to the officer on the scene. The Policy course is divided into two parts. The first part covers the crisis program and the second part covers the officers' response to a crisis event. The course makes use of video presentations, CDP event-based examples and meaningful question and answer sessions. The Policy course and each of the three courses include an evaluation component as part of the lesson plan. The evaluations component will assess the officers' learning as well as their view of the instructors and the training. The questions and assessment format of the evaluation are in development and will be incorporated into the schedule.

The Orientation to Mental Illness course, Exhibits G through I, covers psychiatric disorders most commonly characterized as Severe and Persistent Mental Illness ("SPMI"). Crisis events encountered by the police will most likely involve individuals struggling with

SPMI-related disorders. SPMI disorders include schizophrenia, bipolar disorder and major depressive disorder. In addition to the SPMI disorders, issues such as trauma-related conditions and certain key personality disorders are discussed. Other key issues, such as addiction disorders and a focus on detailed Veterans' issues, will be addressed in the lectures, with additional in-depth information provided to the officers. The course makes use of a number of video presentations and leaves adequate time for discussion and questions and answers. Local mental health professionals will co-teach the course and will be available to provide detailed responses to issues and concerns.

The introduction to Communication and Active Listening, Exhibits J through L, is responsive to the recommendations of both the ADAMHS Task Force and the CJCCOE CIT Peer Review. Officers will be provided with basic skills in communication and the building blocks of de-escalation strategies, with a sensitivity to concerns about safety for both the individual in crisis and the officer responding to the call for assistance. Communication and Active Listening include an initial introduction to case law governing law enforcement interaction with individuals with mental illness or diminished capacity. The course then moves to the building blocks of rapport through the use of active listening skills. As with the Orientation to Mental Illness, mental health professionals will be available to provide additional expertise in the active listening process.

The Command and Control Paradox, Exhibits M through O, course directly addresses issues in basic training in order to provide a context for the officer when learning de-escalation and communication skills. This is a practical course where officers will have time to address their own concerns about the challenges of using de-escalation skills. The course will include a video for class critique and make use of scenario-based learning opportunities. While the

primary instructors will be law enforcement trainers, mental health professionals will again be present to assist with the critique and feedback.

The emphasis on the Eight-Hour Training curriculum development was clearly on quality. The number of topics was deliberately limited, and time was allocated for the use of adult learning strategies to maximize the quality of the officer learning environment. The quantity was adequate in light of the time allotted. Additional topics will be covered in-depth in subsequent years of training. The Monitoring Team and all parties will continue to provide technical assistance to CDP and the Advisory Committee, review the Eight-Hour curriculum, and assess the success of the classes throughout the training process.

The type and scope of training provided by the Eight-Hour curriculum is consistent with the Consent Decree, the new Crisis Intervention training curriculum for Ohio Peace Officers, recommendations from the ADAMHS Task Force, and the CJCCOE CIT Peer Review study. The type of training is appropriate for adult learners with an emphasis on the practical application of knowledge, visual learning, scenario-based examples, and adequate time for participation as well as question and answers. The scope of training is appropriately focused on the new CDP crisis intervention policy, a basic introduction to mental illness, case law governing behavioral crisis events, basic rapport building, communication and active listening, and practical application of de-escalation techniques.

IV. CONCLUSION

The task of the Monitoring Team was to consider whether the City's submitted Eight-Hour Training on crisis intervention for all officers satisfies the terms of the Consent Decree. The Monitoring Team concludes not only that it does but that the training is among the highest quality trainings that it has seen on basic crisis intervention skills – reflecting the Consent

Decree, the community recommendations, the new Crisis Intervention training curriculum for Ohio Peace Officers, the recommendations from the ADAMHS Task Force report, the CJCCOE CIT Peer Review study, the Ohio Attorney General's "Interacting with and De-escalating the Special Needs Population" curriculum, and insights from a vast array of crisis intervention training initiatives from other cities.

In particular, the range of community participation in the Training committee process was impressive, with the Division joining forces with Cleveland advocates, individuals recovering from mental illness, local mental health and substance abuse professionals, the State of Ohio CJCCOE, and the Department of Justice. Consequently, not only is the substance of the Curriculum of high quality but the final Eight-Hour Curriculum represents a true community effort.

Because CDP, in partnership with the Advisory Committee and its Training Subcommittee has produced an outstanding curriculum that should have a meaningful impact on the Cleveland community, the Monitoring Team approves the Eight-Hour Curriculum on crisis intervention for all CDP officers and requests that the Court order it effective.

Respectfully submitted,

/s/ Matthew Barge

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CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2017, I served the foregoing document entitled Motion Regarding All-Officer, Eight-Hour Crisis Intervention Training via the court's ECF system to all counsel of record.

/s/ Matthew Barge
MATTHEW BARGE