

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.	)	
	)	<b><u>MOTION TO APPROVE CLEVELAND</u></b>
CITY OF CLEVELAND	)	<b><u>DIVISION OF POLICE IN-SERVICE</u></b>
	)	<b><u>TRAINING INSTRUCTOR SELECTION</u></b>
Defendant.	)	<b><u>POLICY</u></b>
	)	
	)	

Pursuant to Paragraph 281 of the Consent Decree 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 In-Service Training Instructor Selection General Police Order 1.03.09 (“Proposed Training Instructor Selection Policy” or “Proposed Policy”) to the Monitoring Team, attached hereto as Exhibit A.

The Monitoring Team has carefully reviewed the Proposed Policy. It has determined that it provides sufficiently clear guidelines on the selection of the CDP’s training instructors, including the minimum qualifications of the instructor candidates, the protocol by which the Division will select potential candidates, the post-selection steps that prospective instructors must take, and the use of external instructors for the benefit of the Division’s training. The Monitoring Team

therefore recommends that the Court approve CDP's Proposed Training Instructor Selection Policy in its entirety.

## **I. SUMMARY OF CONSENT DECREE REQUIREMENTS REGARDING DOCUMENTATION OF TRAINING**

Under the Consent Decree, CDP "will ensure that instructors are qualified and use only curricula and lesson plans that have been approved by the Commander responsible for training." Dkt. 7-1 at ¶ 281. Further, the Division "will actively seek out and retain qualified instructors from outside CDP to supplement the skills of its in-house training staff and adjunct instructors." *Id.* "As appropriate," CDP will also "incorporate experts and guest speakers, including judges, prosecutors, crime victims, and community members, to participate in relevant courses." *Id.*

## **II. PROCEDURAL HISTORY**

The Proposed Policy is a minor revision of the prior In-Service Training Instructor/External Instructor Selection General Police Order that was submitted to the Court on April 17, 2017 and later approved. *See* Dkt. 122. That prior policy was the product of collaboration between the Parties and the Monitoring Team. The current Proposed Policy contains primarily grammatical changes.

## **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 Proposed Training Instructor Selection Policy submitted on February 10, 2018 complies with the Consent Decree's requirements.

#### **IV. ANALYSIS OF THE PROPOSED TRAINING INSTRUCTOR SELECTION POLICY**

Almost identical to the prior In-Service Training Instructor/External Instructor Selection General Police Order that was approved by the Court, the Proposed Policy outlines the procedures and guidelines by which in-house CDP Training instructors and external instructors will be selected. Annually, CDP will issue a Divisional Notice to solicit new instructors. Candidates shall be required to submit a Form-1 requests describing their qualifications. The CDP's Training Review Committee ("TRC") will conduct an annual needs assessment to identify training curricula, evaluate current instructors' performance, and to ensure that particular training subjects meet Ohio Peace Officer Training Commission ("OPOTC") requirements. *See* Ex. A. at 1.

To select qualified candidates, the Division's TRC will review all Form-1 requests, interview candidates, and forward recommendations to the Commander who oversees training. Critically, the Proposed Policy lays out the criteria by which the TRC will judge potential candidates, including the individual's qualifications, prior experience as a Field Training Officer or Supervisory Training Officer, prior experience in teaching, and subject matter expertise (whether through training certification or specific law enforcement expertise). *See id.* at 2. The TRC will also consider a candidate's post-secondary education, military experience, and possession of OPOTC Instructional Skills certificate(s). *See id.*

Under the Proposed Training Instructor Selection Policy, after the TRC receives approval from the Chief of Police and advises candidates of their selection, the candidates must obtain (and subsequently maintain) relevant training certifications, such as OPOTC certification. *See id.* at 2-3.

Finally, under the Proposed Policy, external instructors, who may include “subject matter experts, including judges, attorneys, crime victims, and community members[,]” shall be recommended by the TRC and approved by the Chief of Police. They will be required to teach using Chief-approved lesson plans and curricula. *See id.* at 3.

The Monitoring Team is confident that these provisions, put together, will help the Division “ensure that instructors are qualified and use only curricula and lesson plans that have been approved by the Commander responsible for training” and “actively seek out and retain qualified instructors from outside CDP to supplement the skills of its in-house training staff and adjunct instructors.” Dkt. 7-1 at ¶ 281. For these reasons, the Monitoring Team concludes that the provisions and requirements of the Proposed Policy represent substantial progress toward meeting the Consent Decree’s requirements on training.

## V. CONCLUSION

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

Respectfully submitted,

/s/ Matthew Barge

MATTHEW BARGE  
Monitor  
234 5th Avenue, Suite 314  
New York, New York 10001

Tel: (202) 257-5111  
Email: [matthewbarga@parc.info](mailto:matthewbarga@parc.info)

**CERTIFICATE OF SERVICE**

I hereby certify that on May 7, 2018, I served the foregoing document entitled Motion to Approve Cleveland Division of Police Training Instructor Selection Policy via the court's ECF system to all counsel of record.

/s/ Matthew Barge  
MATTHEW BARGE