

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 CLEVELAND</u>
CITY OF CLEVELAND)	<u>DIVISION OF POLICE LEARNING</u>
)	<u>MANAGEMENT SYSTEM</u>
Defendant.)	
)	
)	

Pursuant to Paragraphs 288 through 290 of the Consent Decree and the Revised Second-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 Learning Management System (“LMS”) General Police Order 1.03.08 (“Proposed LMS 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 purpose and use of the Division’s LMS training platform, including expectations for CDP members to complete assigned training courses on LMS, for LMS Managers to monitor and manage members under their command, and for LMS

Administrators to oversee the system's ongoing implementation. The Monitoring Team therefore recommends that the Court approve CDP's Proposed LMS Policy in its entirety.

I. SUMMARY OF CONSENT DECREE REQUIREMENTS REGARDING DOCUMENTATION OF TRAINING

Under the Consent Decree, CDP "will document all training provided to or received by CDP officers." Dkt. 7-1 at ¶ 288. To that end, the Division "will develop and implement 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." *Id.* at ¶ 289. Further, CDP will "develop and implement accountability measures, including disciplinary and non-disciplinary corrective action, to ensure that all officers successfully complete all required training programs in a timely manner." *Id.* at ¶ 290.

II. PROCEDURAL HISTORY

To enhance its Training Section and comply with the requirements of the Consent Decree, CDP has decided to implement a Learning Management System. As a centralized electronic system, LMS will be a crucial element in strengthening the Division's training programs. Officers will be able to complete electronic, interactive lessons, while the Training Section can automatically monitor and oversee officers' completion of required training material. As a supplement to the Division's in-class trainings, LMS is designed to allow CDP to customize training to meet its needs in a format that is adaptable and does not require the many months to prepare curricula for in-class instruction.

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 LMS Policy submitted on February 21, 2018 complies with the Consent Decree's requirements.

IV. ANALYSIS OF THE PROPOSED LMS POLICY

Alongside technical guidance relating to user authorizations and troubleshooting with passwords and log-in issues, the Proposed Policy outlines the expectations for all CDP members who are required to use LMS. CDP members must complete all training assigned by the LMS Administrator within the required timeline, maintain an active LMS account while employed with CDP, "check their LMS account at least once per tour of duty" (with several practical exceptions), and "familiarize themselves with all directives . . . delivered via the LMS system." Ex. A at 2.

LMS Managers, a group that includes District Training Coordinators, shall use LMS to check "Alerts" on all members under their command and to manage and assist members under their command in completing all LMS training assignments within required timelines and in complying with all LMS-related policies. *See id.* at 2-3. Under the Proposed LMS Policy, District Training Coordinators are further expected to provide LMS reports for District Commanders and first line supervisors and to schedule training and monitor compliance for training assignment completion. *See id.* at 3.

As the "primary managers of the LMS platform[,] LMS Administrators have full access to LMS. *Id.* LMS Administrators shall "[d]evelop, create, upload, and assign training to the

Division via the LMS” and “[a]ssist with tracking, approving or denying, monitoring progress and compliance with training and assignment timelines.” *Id.* Between LMS Managers and Administrators, there are multiple levels of monitoring to ensure that CDP members are actively using LMS to complete training assignments within required timelines.

The Monitoring Team is confident that these provisions, put together, will help the Division “document all training provided to or received by officers,” “electronically track, maintain, and produce” accurate records of training materials, and “ensure that all officers successfully complete all required training programs in a timely manner.” Dkt. 7-1 at ¶¶ 288-90. In tandem with CDP’s Court-approved Disciplinary Matrix, the Proposed LMS Policy will help officers understand that failure to complete required training will result in appropriate disciplinary or non-disciplinary corrective action. For these reasons, the Monitoring Team concludes that the provisions and requirements of the Proposed LMS 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 LMS 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 LMS Policy in its entirety and requests that this Court order it effective immediately.

Respectfully submitted,

/s/ Matthew Barge

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Monitor

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CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2018, I served the foregoing document entitled Motion to Approve Cleveland Division of Police Learning Management System via the court's ECF system to all counsel of record.

/s/ Matthew Barge
MATTHEW BARGE

EXHIBIT A



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE:	CHAPTER: 1 – Administrative	PAGE: 1 of 3	NUMBER: 1.03.08
SUBJECT: LEARNING MANAGEMENT SYSTEM (LMS)			
CHIEF:			

PURPOSE: To establish guidelines and a standard of usage for members of the Cleveland Division of Police (CDP) when accessing the Learning Management System.

POLICY: The Cleveland Division of Police is committed to providing quality training programs for its members.

The Division shall facilitate member training through the use of its web-based Learning Management System . The LMS provides a platform to deliver training materials, tests, and other assignments to Division members and manage record-keeping of training. While LMS is focused primarily on online learning, it also supports member roll call training, and overview of Divisional Notices (DN) and General Police Orders (GPO). This policy defines member roles and responsibilities, and outlines the manner in which the LMS training program shall be utilized.

DEFINITIONS:

Learning Management System: A Software application used for the administration, documentation, tracking, reporting, and delivery of educational courses or training programs. The CDP LMS helps trainers deliver materials to their students, administer tests and other assignments, track student progress, and manage record-keeping.

Administrators: Academy Unit staff member(s), designated by the Training Section OIC, are responsible for the overall management of the LMS platform and its implementation within the Division of Police.

LMS Manager: LMS manager(s) possess limited access to the LMS related directly to their current assignment or position within the Division. LMS mangers will be able to search for specific reports, assist with login issues, change passwords, and monitor the progress of the members within their area of control.

Basic User: CDP member who is assigned an account for the primary purpose of receiving training on the LMS training platform.

PROCEDURES:

- I. General Guidelines
 - A. Only LMS Administrators and Managers have the authority to access another members LMS account. Disciplinary action shall be imposed on any member found to be accessing another members LMS account.
 - B. LMS platform issues or failures shall be reported to the Training Section LMS administrators.

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- C. Members who fail to complete training assignments within the prescribed timeline shall be subject to disciplinary action, unless excused by their Commander or a Training Section Supervisor.
- D. No overtime shall accrue as a result of a member checking their LMS account while on or off-duty.

II. Using the LMS

- A. Members are granted the basic user level in the LMS, which allows them to register and schedule their training, upload certificates from outside training, and gives full access to their individual training files.
 - 1. Members using the LMS shall:
 - a. Complete all training courses/programs assigned by the LMS Administrator, within the required timeline.
 - b. Comply with this policy, The City of Cleveland Policy on Employee use of E-Mail and the Internet, and also General Police Order 1.3.02, Use of Division Computers and Email when using the LMS.
 - c. Create and maintain an active LMS account for the duration of their employment with the CDP.
 - d. Refrain from creating, modifying, copying, moving, or deleting files or documents on the Division LMS, unless this action is within the scope of their duties.
 - e. Log in and check their LMS account at least once per tour of duty. Exceptions to this requirement shall only be permitted when a member is scheduled for compulsory training, court testimony, or on sick leave, or at the discretion of the Training Section Officer in Charge.
 - f. Log in and familiarize themselves with all directives issued by the Chief of Police and delivered via the LMS system. (Reference GPO 1.01.04)
- B. LMS Managers are granted limited access to the LMS, based on their current assignment or position within the Division. Limited access allows LMS Managers to search for specific reports, assist with login issues, change passwords, and monitor the progress of the members under their command.
 - 1. Managers using the LMS shall:
 - a. Log in and check the status of their personal LMS accounts;
 - b. Check the **Alerts** section for all members under their command;

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- c. Monitor, manage and assist members under their command to ensure:
 - 1. Compliance with this policy and all related policies governing the use and monitoring of their LMS accounts, and
 - 2. Completion of all LMS training assignments within the required timelines.

- C. District Training Coordinators (DTCs) are granted LMS Manager access to the LMS and are trained to provide support to personnel at their assigned district.
 - 1. DTCs shall:
 - a. Assist district level personnel by providing LMS reports for District Commanders and first line supervisors;
 - b. Assist district personnel with password changes and log- in issues, as needed; and
 - c. Schedule training and monitor compliance for assignment completion.

- D. LMS Administrators are granted full access to the LMS, allowing them to provide oversight and act as the primary managers of the LMS platform and its implementation within the Division of Police.
 - 1. LMS Administrators shall:
 - a. Develop, create, upload, and assign training to the division via the LMS;
 - b. Assist with tracking, approving or denying, monitoring progress and compliance with training and assignment timelines.