

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| UNITED STATES OF AMERICA, |) | CASE NO.: 1:15-CV-01046 |
| |) | |
| Plaintiff, |) | |
| |) | JUDGE SOLOMON OLIVER, JR. |
| vs. |) | |
| |) | <u>MEMORANDUM SUBMITTING</u> |
| CITY OF CLEVELAND |) | <u>REVISED SECOND-YEAR MONITORING</u> |
| |) | <u>PLAN</u> |
| Defendant. |) | |
| |) | |
| |) | |
| |) | |

The Court-approved Second-Year Monitoring Plan (the “Monitoring Plan” or “Plan”), Dkt. 120, endeavored to “set[] aggressive but realistic goals, deadlines, and milestones for complying with the requirements of the Agreement while ensuring that individuals and organizations across Cleveland’s diverse communities—including the men and women of the Division themselves—have a voice in the discussion of how police services are delivered.” Dkt. 120 at 1-2. The “Plan detail[ed] a formalized process for implementation of the Consent Decree and the Monitoring Team’s assessment of the Division’s progress in doing so.” *Id* at 2.

The Monitor has previously observed that “[a]s work progresses in earnest toward accomplishing the tasks set forth in that Plan, the Parties and Monitor may, from time to time, agree that some adjustments to certain timelines are necessary” Dkt. 51. The First-Year Monitoring Plan was in fact updated in November of 2016 to “reflect the current state of progress and to prioritize focus on a number of key areas.” Dkt. 80 at 2.

Based on the progress of the CDP in some important areas and a better understanding of “aggressive but realistic goals” for various compliance-related tasks, the Monitor and Parties have agreed that this Court’s approval of a revised Second-Year Monitoring Plan (the “Revised Second-Year Monitoring Plan”), attached hereto as Exhibit A, would continue to promote steady progress towards achieving the Consent Decree’s objectives. After six months of following the deadlines set forth in the Second-Year Monitoring Plan, the City initiated this revision and discussed the proposed changes with the United States and the Monitoring Team. The City then took the lead of drafting the plan and collaborated closely with the Monitor to produce a revised process or framework for effectively and efficiently implementing the Agreement’s requirements.

The Revised Second-Year Monitoring Plan reflects changes to the timing of a number of key areas between now and the end of January 2018, which is the end of the year covered by the original Plan. These areas include, among others, the finalization of a comprehensive Community and Problem-Oriented Policing Plan, the completion of the 8-hour crisis intervention training—approved by the Mental Health Response Advisory Committee (MHRAC)—to all CDP officers, and the selection of the Internal Affairs Superintendent—the civilian head of the Department's Internal Affairs division. The Revised Second-Year Monitoring Plan also calls for the CDP to conduct training sessions related to the Learning Management System, the system

that will allow the CDP 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.” Dkt 7-1 ¶ 289. The Court will receive a new Third-Year Monitoring Plan no later than February 1, 2018, that will address the period of February 1, 2018, through January 31, 2019.

Because the Revised Second-Year Monitoring Plan is a pragmatic plan that continues to set aggressive but realistic timelines, the Monitor respectfully requests that the Court approve the Revised Second-Year Monitoring Plan and order its requirements and deadlines effective.

Respectfully submitted,

/s/ Matthew Barge

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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2017, I served the foregoing document entitled Memorandum Submitting Revised Second-Year Monitoring Plan via the court's ECF system to all counsel of record.

/s/ Matthew Barge
MATTHEW BARGE