



DIVISION OF POLICE

DATE: October 25, 2019
TO: Chief of Police Calvin D. Williams
FROM: Inspector General Christopher Paul Viland, Esq. #3700
SUBJECT: Review of the CDP Training Section 3 Year Training Plan

Sir,

At your request, I have obtained and reviewed the Cleveland Division of Police (CDP) Training Section 3 Year In-Service Training Plan 2019-2021. I have also taken the opportunity to interview Bureau of Support Services Commander Jones and Training Section Lieutenant Smith as well as auditing available training class settings as available. This review was completed in the context of training requirements in the Consent Decree as approved by the Federal Court and Monitoring Team during the settlement process.

It is generally agreed that a well thought out training plan is essential in managing a constitutionally supported law enforcement agency. Such plans should comply not only with Ohio Peace Officer Training Commission standards and mandates, but also with mandates of the Decree and directions therein.¹ The Decree requires that the CDP training plan reflects a commitment to procedural justice, bias-free policing, and community policing.² The Decree memorializes the pre-existing CDP Training Review Committee expanding its scope; and, requires written training plans in three specific areas: new recruit training, probationary field training, and in-service training.³ This review is narrowed in focus to the specific document and in-service training program you identified.

The first stages of developing appropriate training plans include the process of conducting needs assessments to identify where gaps exist between performance goals or expectations and current skill and knowledge levels. Gaps may exist for any number of reasons, including changes in law or policy, changes in equipment, and changes in duties as well as the natural perishability of many learned but unused skills. Any needs assessment must begin with the determination of which gaps are best filled through training while taking into account risk management / topic prioritization, budget and resources available, and possible training methodologies.

¹ See, e.g. *How to Assess and Improve Operations of Small Law Enforcement Agencies*, Justice Technology Information Center (2016).

² *United States of America v. City of Cleveland*, United States District Court, Northern District of Ohio, Eastern Division, 1:15 CV 01046, Settlement Agreement at ¶269.

³ Id. at ¶271.

It is presumed that this training plan (2019-2021), which has been presented to and approved by the DOJ and Monitoring Team, is a result of continuous dialogues, presentations and recommendations designed to specifically address needs gaps identified by the DOJ during the pendency of the settlement agreement process.

It appears that the most appropriate starting point for assessment and review of the plan is whether the plan addresses the needs gaps (requirements) of the State of Ohio and of the DOJ through the Consent Decree.

State of Ohio

The State of Ohio has and may require Continuing Professional Training (CPT) for certified sworn police officers through the actions of the Ohio Peace Officer Training Commission⁴. Because these training requirements are based on budget and revenue issues at the state level, they have fluctuated from 4 hours up to 20 hours in any one year with short notice to agencies. The OPOTC has made it known that there will be no CPT training requirements for calendar years 2019 and 2020.

The plan addresses CPT requirements and acknowledges that there are none for the duration of this plan period while further acknowledging the difficulties of responding to short notice unfunded state mandated training requirements that may occur in the future⁵.

The State of Ohio additionally has requirements for all persons authorized to carry firearms in the course of their official duties⁶. This requirement applies to each firearm type authorized for carry.

The plan addresses state firearms requalification requirements for handgun, shotgun and patrol rifle⁷. The plan includes the specific lesson plans and student performance objectives for each weapon system type in detail.

Consent Decree

The Settlement Agreement / Consent Decree specifically addresses training for members of the CDP in many individual paragraphs and requirements as follows:

1. The CDP will provide . . . annual in-service community and problem oriented policing (CPOP) training that is adequate in quality, quantity, type, and scope, and will incorporate into its training of all officers, including supervisors, commanders, executives, community and problem-oriented policing principles including:

⁴ Ohio Revised Code, §109.803.

⁵ CDP, Three Year Training Plan (2019-2021), at 3.

⁶ Ohio Revised Code, §109.801.

⁷ CDP, Three Year Training Plan (2019-2021), at 9-10, 19-86.

- a. methods and strategies to improve public safety and crime prevention through community engagement;
- b. training that promotes the development of new problem-solving partnerships between the police and community, targeting problem-solving and crime prevention;
- c. leadership, ethics, and effective communication and interpersonal skills;
- d. community engagement, including how to establish partnerships and actively engage civilians and community organizations, including youth, LGBT, homeless, and mental health organizations and communities;
- e. principles of procedural justice and its goals;
- f. conflict resolution and verbal de-escalation of conflict, and;
- g. cultural competency and sensitivity training⁸.

The plan has been assessed, approved, contributed to and observed by the monitoring team, indicating sufficiency in quality, quantity, type and scope⁹. The plan addresses community and problem-oriented policing training with 8 hours of scenario based Community Engagement and Problem Solving (CEPS)¹⁰. [Note: the addition of the CEPS acronym can be confusing as to how it complies with the requirements of CPOP in the Decree. Additionally, the plan refers to issues that required mitigation in the 2018 CEPS training without being specific enough to understand what was changed or improved.]

- a. *The plan provides lesson plans specific to provision of strategies to improve public safety and crime prevention through community engagement¹¹.*
- b. *The plan provides lesson plans specific to development of suggested partnerships¹².*
- c. *The plan provides lesson plans specific to leadership, ethics, communication and interpersonal skills¹³.*
- d. *The plan provides lesson plans specific to community engagement and more specifically with youth, LGBT, homeless and mental health organizations and communities¹⁴. This section appears to be simply acknowledgement of terms without actual identified training for each of these identified communities.*
- e. *The plan provides lesson plans specific to procedural justice¹⁵.*
- f. *The plan provides lesson plans specific to conflict resolution and verbal de-escalation skills¹⁶.*

⁸ Settlement Agreement, at ¶30.

⁹ Cleveland Police Monitoring Team, Fourth Year Monitoring Plan, October 4, 2019, at rows 8-10.

¹⁰ CDP, Three Year Training Plan (2019-2021), at 11-15.

¹¹ Id. at 131-146.

¹² Id. at 134-135, 141-146.

¹³ Id. at 136-137, 141-146.

¹⁴ Id. at 135.

¹⁵ Id. at 137-138, 141-146.

¹⁶ Id. at 172-192.

g. The plan does not currently provide lesson plans specific to cultural competency and sensitivity.

2. Officers will receive annual in-service training on bias-free policing that is adequate in quality, quantity, type, and scope¹⁷.

The plan indicates that curriculum is in the process of being created and going through applicable approval processes with all stakeholders as of October 31, 2019¹⁸. It appears that at the time the plan was finalized, curriculum in this area had not been approved. Actually, training that has been assessed, approved, contributed to and observed by the monitoring team indicating sufficiency in quality, quantity, type and scope was in process and attended as part of this review¹⁹.

3. CDP annually will provide at least 16 hours of firearms training which will include pistol, shotgun, and policy training. In consultation with the monitor, CDP will develop a plan to provide appropriate night, reduced light, and stress training for officers. Officers will successfully qualify with each firearm they are authorized to use or carry on-duty at least annually²⁰.

The plan has been assessed, approved, contributed to and observed by the monitoring team, indicating sufficiency in quality, quantity, type and scope. That being said, there is no specific lesson plan information in the plan dealing with night or reduced light firearms use, nor is there specific lesson plan information regarding firearms use in stress situations. The plan is vague as to how it meets the 16 hour requirement in the Decree, although it may be inferred that hours of training in Use of Force and CIT may have been considered and included as policy along with the 8 hours specifically dedicated to firearms qualification.

4. CDP will provide all officers with annual use of force in-service training that is adequate in quality, quantity, type, and scope²¹.

The plan has been assessed, approved, contributed to and observed by the monitoring team, indicating sufficiency in quality, quantity, type and scope. The plan provides specific Use of Force training lesson plans indicating that a minimum of 8 hours of in-service training is specifically dedicated to Use of Force²².

¹⁷ Settlement Agreement, at ¶42.

¹⁸ CDP, Three Year Training Plan (2019-2021), at 213.

¹⁹ See, e.g., Motion to Approve 2019 Bias Free Policing Training Curriculum, Case No. 1:15-CV-01046.

²⁰ Settlement Agreement, at ¶60.

²¹ Id. at ¶86.

²² CDP, Three Year Training Plan (2019-2021), at 11-15, 165-210.

5. CDP will provide training on responding to individuals in crisis to all of its officers and recruits. Within 365 days of the Effective Date, officers will be provided with at least eight hours of initial training, and all officers will receive annual in-service training thereafter. 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 available²³.

The plan indicates that curriculum is in the process of being created and going through applicable approval processes with all stakeholders as of October 1, 2019²⁴. It appears that at the time the plan was finalized, curriculum in this area had not been approved. Actually, training that has been assessed, approved, contributed to and observed by the monitoring team indicating sufficiency in quality, quantity, type and scope was in process and attended as part of this review²⁶.

6. CDP also will provide officers with annual search and seizure in-service training that is adequate in quality, quantity, type, and scope²⁷.

The plan indicates that curriculum is in the process of being created and going through applicable approval processes with all stakeholders as of October 1, 2019²⁸. It appears that at the time the plan was finalized, curriculum in this area had not been approved. Actually, training that has been assessed, approved, contributed to and observed by the monitoring team indicating sufficiency in quality, quantity, type and scope was in process as part of this review³⁰.

7. The written training plan developed by the Training Review Committee will require at least 40 hours of in service training annually³¹.

The plan indicates in several places that a minimum of 40 hours of in-service training will take place³².

²³ Settlement Agreement, at ¶143.

²⁴ CDP, Three Year Training Plan (2019-2021), at 213.

²⁵ Cleveland Police Monitoring Team, Fourth Year Monitoring Plan, October 4, 2019, at rows 40, 42-45.

²⁶ See, e.g., Motion to Approve Third-Year Crisis Intervention In-Service Training Curriculum, Case No. 1:15-CV-01046 and subsequent Order of the Court.

²⁷ Settlement Agreement, at ¶174.

²⁸ CDP, Three Year Training Plan (2019-2021), at 214.

²⁹ Cleveland Police Monitoring Team, Fourth Year Monitoring Plan, October 4, 2019, at rows 40, 42-45.

³⁰ See, e.g., Motion to Approve Search and Seizure Training Curriculum, Case No. 1:15-CV-01046.

³¹ Settlement Agreement, at ¶271(c).

³² CDP, Three Year Training Plan (2019-2021), at 5, 211, 216.

8. The Training Review Committee will annually review and update CDP's training plan. To inform this update, the Training Review Committee will conduct a needs assessment . . .³³

The plan does not specifically indicate any process for this required needs assessment or how it will be incorporated into updated curricula other than aspirational acknowledgement of the requirement³⁴.

9. (CDP) will ensure that a variety of adult learning techniques, scenario-based training, and problem-solving practices, in addition to traditional lecture formats are incorporated into all training. (CDP) will also ensure that all curricula, lesson plans, instructor's qualifications, and testing materials are reviewed by the Training Review Committee and, where appropriate, persons external to CDP with expertise in the relevant lesson areas³⁵.

The plan does not currently address with specificity how curricula, lesson plans and instructor qualifications are reviewed and/or approved. The plan does however, demonstrate various adult learning techniques including scenario-based, problem-solving, group work, hands on demonstration throughout the various lesson plans that have been incorporated³⁶.

Cleveland Division of Police Community and Problem Oriented Policing Plan (as filed 2/24/19, in Case No. 1:15-CV-01046)

Pursuant to the Settlement Agreement / Consent Decree, the Division created and submitted a Community and Problem Oriented Policing (CPOP) Plan which has been reviewed and approved by the monitoring team³⁷. The CPOP Plan does contain training requirements, including for in-service training substantially similar to the analysis of the requirements in the Decree³⁸, as above. That analyses and recommendations stemming from them are substantially equivalent and will not be reiterated here.

Recommendations

Based on the individual comments and findings above, the following actions are being recommended:

1. Where the Decree uses terms in specificity including Community and Problem Oriented Policing (CPOP) and the Division has published the 2018 Community and Problem

³³ Settlement Agreement, at ¶274.

³⁴ CDP, Three Year Training Plan (2019-2021), at 213.

³⁵ Settlement Agreement, at ¶280.

³⁶ CDP, Three Year Training Plan (2019-2021), at various places.

³⁷ See, e.g., Motion to Approve Cleveland Division of Police Community and Problem-Oriented Policing Plan, Case No. 1:15-CV-01046.

³⁸ CDP, Community and Problem-Oriented Policing Plan, pg. 24-5.

Oriented Policing Plan, it is recommended that future training plans use the same terminology in organization and curricula. It is further recommended to discontinue use of Community Engagement Problem Solving (CEPS) terminology in future training plan updates.

2. Where the Decree requires specific training and curricula developed to reinforce methodologies to establish partnerships and actively engage civilians and community organizations, including youth, LGBT, homeless, and mental health organizations and communities, it is recommended that lesson plans and curricula in future training plan updates reflect specific strategies and considerations to engage each of the listed community groups.
3. Where the Decree requires training specific to cultural competency and sensitivity, it is recommended that specific lesson plans and curricula be developed in future training plan updates to address that requirement.
4. Where the Decree requires in-service training on bias-free policing, it is recommended that future training plan updates reflect approved curricula in the plan and with lesson plans appended.
5. Where the Decree requires firearms training in night, reduced light, and stress situations, it is recommended that future training plan updates specifically address these tactical situations in lesson plans and curricula.
6. Where the Decree requires 16 hours of firearms training, it is recommended that future training plan updates show those hours broken out in specificity rather than be inferred in context.
7. Where the Decree requires in-service training revolving around CIT and CIT response, it is recommended that future training plan updates reflect approved curricula in the plan and with lesson plans appended.
8. Where the Decree requires in-service training in the topic of search and seizure, it is recommended that future training plan updates reflect approved curricula in the plan and with lesson plans appended.
9. Where the Decree requires annual review and updating by the Training Review committee including a formal needs assessment, it is recommended that a process for completing and incorporating formal and specific needs assessments into all future training plans be implemented.
10. Where the Decree requires that all curricula, lesson plans, instructor qualifications and testing materials be reviewed by the Training Review Committee, it is recommended that all future training plans incorporate specific indicia or methodologies of this process of review and approval of any curricula, lesson plan, instructor qualification or testing material included in each update.

Other Issues for Consideration

The following recommendations, including those which are stylistic only, may make future updating and usage of training plans more effective and efficient for the training staff:

1. It is recommended that all future specific lesson plans be prepared in a similar / template format developed by the training staff. This would allow easier reference and referral, as well as standardizing a format that would ensure that all required aspects and attachments to a lesson plan are easily found and / or completed.
2. It is recommended that all lesson plans and affiliated attachments, exhibits, handouts, tests, etc., be attached to future training plan updates as appendices, supplements, or exhibits to any future training plan as opposed to being interspersed with the plan proper. This would allow easier reading and comprehension of the plan by any reader without detailed or intimate knowledge of the plan's creation. Lesson plans should, as a best practice, include: a statement of performance and job-related objectives, the content of the training and specification of appropriate instructional techniques, the process of lesson plan approval, and identification of any tests utilized during the training³⁹.
3. The Decree requires that the Community Police Commission (CPC) participate on the Training Review Committee in the development of training related to bias-free policing and cultural competency⁴⁰. It is therefore recommended that all future training plans or updates reflect the contribution of the CPC or lack thereof.
4. It is generally accepted that an important part of the training process is in the evaluation or the assessment of provided training. One of the most recognized models of evaluation is the Kirkpatrick model which consists of four levels of evaluation: reaction, learning, behavior and results⁴¹. The reaction level is generally viewed as the survey of the students immediately at the end of a training module. While this is endemic in today's law enforcement training, it is not sufficient. More appropriate to assessing actual learning in step two are tools like the pre- and post- test designed appropriately.

While immediate reaction and learning assessments do take place, determination of whether the training has actually changed behavior in the student over time is very rare especially in law enforcement training. The most common way to assess behavioral change is in direct observation of employee behavior over time. Finally, assessing the results of training is one of the most difficult of tasks; while the employee may have been satisfied with the training (reaction), have actually learned new skills (learning),

³⁹ See, e.g. Commission on Accreditation of Law Enforcement Agencies, Standards For Law Enforcement Agencies, 5th ed., (Feb. 2009) at Section 33.1.4.

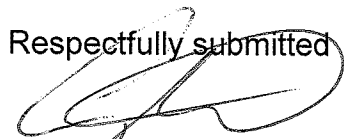
⁴⁰ Settlement Agreement, at ¶17 (b).

⁴¹ See, e.g. Bumgarner, Jeff, Evaluating Law Enforcement Training, The Police Chief (2001).

and is in fact using the new skill set on the job (behavior), none of this is of value if the overall organizational goals of the training in furthering the mission occurs (results). The results level of assessment is much more concerned with overall changes, costs and benefits to the organization than individual members. It is therefore recommended that all future training plans and updates include some indication of how that training is being evaluated for effectiveness⁴² both in the long term and the short term.

5. After discussions with Lt. Smith regarding additional in-service training methodologies it appears that the current Learning Management System (LMS) by Target Solutions could be used as an efficient and cost effective method to increase in-service training capabilities and services to the CDP. It is recommended that an LMS administrator be appointed by the CDP with the specific task of improving use of the LMS in creating, presenting, and documenting additional in-service trainings that meet the overall goals of the Decree and the CPOP plan.
6. As both the Federal judge and the monitoring team in the matter of the Decree have indicated very strongly that they wish the policies and procedures of the CDP to be more data driven, it is recommended that data collected on use of force, CIT, community engagement, crime statistics, etc., be utilized by the Training Review Committee in its needs assessment for any updated and future training plans and that such plans reflect how the data has specifically provided direction for the plan.

Respectfully submitted



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⁴² See, e.g. Barrett, Katherine & Greene, Richard, Training May Be Valuable, But Few Governments Measure Its Success, *Governing Magazine* (June 2015).

UPDATE: October 30, 2019

Subsequently Available Information

Subsequent to the preparation of this original draft memorandum, the Office of the I.G. was presented with a draft of the Cleveland Division of Police Training Section 2020 Training Plan which had been prepared and submitted without the knowledge or benefit of this memo. This additional document was reviewed as to how it may or may not have effected any of the recommendations listed above.

Recommendation effects:

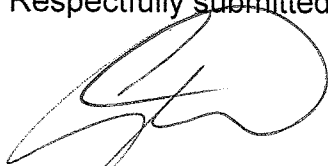
- 1. The 2020 Training Plan no longer uses the acronym CEPS or the terminology Community Engagement Problem solving. It appears this recommendation is no longer relevant based on semantics changes within the Division.*
- 2. There are no changes to the recommendation based on any information in the 2020 Training Plan.*
- 3. There are no changes to the recommendation based on any information in the 2020 Training Plan.*
- 4. There are no changes to the recommendation based on any information in the 2020 Training Plan.*
- 5. The 2020 Training Plan incorporates low level light firearms training into the in-service training⁴³, although no specific lesson plan is included. The portion of the recommendation involving lesson plans and curricula remains.*
- 6. The 2020 Training Plan does not specifically list 16 hours of Decree required firearms training, although it is clearer in that there are 12 hours specifically listed for firearms training and 4 hours specifically listed for use of force training. The portion of the recommendation involving specificity in compliance with the Decree remains.*
- 7. There are no changes to the recommendation based on any information in the 2020 Training Plan.*

⁴³ Cleveland Division of Police, 2020 Training Plan, 1st revision (10/2/19) at page 23.

8. *There are no changes to the recommendation based on any information in the 2020 Training Plan.*
9. *There are no changes to the recommendation based on any information in the 2020 Training Plan.*
10. *There are no changes to the recommendation based on any information in the 2020 Training Plan. Although it must be noted that the issue is addressed with regard to new recruit training⁴⁴.*

None of the Other Issues for Consideration were effected in any way based upon subsequent review of the 2020 Training Plan. Those issues remain for consideration moving forward.

Respectfully submitted,



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⁴⁴ Cleveland Division of Police, 2020 Training Plan, 1st revision (10/2/19) at page 5.