

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)	MEMORANDUM SUBMITTING
)	EQUIPMENT & RESOURCE PLAN
Defendant.)	
)	

The Consent Decree requires the City of Cleveland to “develop an effective, comprehensive Equipment and Resource Plan that is consistent with its mission and that will allow it to satisfy the requirements of this Agreement.” Dkt. 7-1 ¶ 292. The Monitoring Team previously disapproved of the City’s plan proposed on November 25, 2016. Dkt. 93 at 7. The Monitor’s Second Semiannual Report in January 2017 explained that the Monitor could not approve the Plan at that time for a number of reasons, including, but not limited to:

- A lack of specific, well-supported deadlines;
- A failure to identify specific actors responsible for various deliverables;
- The summary rejection of the need for outside experts;
- The failure to address the Decree’s requirements related to identifying equipment needs, maintaining and improving upon existing technology, and utilizing emerging technologies;

- A failure to meaningfully account for project interdependencies;
- The inadequacy of the Plan’s treatment of precinct-based computers;
- The inadequacy of the Plan’s treatment of the computer-aided dispatch upgrade; and
- A failure to substantively and specifically address CPD’s inadequate number of patrol cars.

Dkt. 97 at 54–60.

Following a January 6, 2017 status conference before the Court, the City endeavored to craft a satisfactory plan. Between January 2017 and late April 2017, the City submitted multiple revisions to the Plan in an effort to address the concerns raised by the Monitor. The most recent version of the Plan submitted by CPD, attached hereto as Exhibit A, was dated April 17, 2017. That Plan features various appendices relating to patrol cars, which are simply short Excel spreadsheets inventorying the condition and state of cars and, as such, are not attached here.

The Monitoring Team finds that the Plan is minimally adequate in some regards to meet some, though not all, of the Consent Decree’s requirements. Specifically, the Monitor finds the Plan consistent with paragraphs 293(b), (c), and (d). For other requirements, including paragraphs 293(a), (e), and (f); 294; and 298; the Plan is not yet sufficient. Finally, because it does not meaningfully address other technology necessary to implement provisions of the Consent Decree relating to crisis intervention, stops, and others, the Plan does not satisfy the requirement of paragraph 292 that the City’s “Equipment and Resource Plan” “allow [CPD] to satisfy the requirements of this Agreement.”

I. REQUIREMENTS OF THE CONSENT DECREE AND STANDARD OF REVIEW

The Consent Decree requires the City to construct an Equipment and Resource Plan that “provide[s] for necessary equipment including, at least . . . an adequate number of computers; an

adequate number of operable and safe zone cars; zone cars with reliable, functioning computers that provide officers with up-to-date technology, including” mobile computer-aided dispatch, access to the Division’s records management system, and access to law enforcement databases; and “zone cars equipped with first-aid kits” Dkt. 7-1 ¶ 293. The Plan must also address how the Division will satisfy the other substantive requirements of the Decree. *Id.* ¶ 292. Moreover, the Plan must “ensure that CDP” both “properly maintains and seeks to continuously improve upon existing equipment and technology” and “is appropriately identifying equipment needs and seeking to utilize, as appropriate, emerging technologies.” *Id.* ¶ 293.

“As an agent of the Court,” the Monitoring Team must “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). Although, “in some instances, the evaluation of policies or plans created to comply with the Consent Decree is relatively mechanical,” in other instances, “those plans must comply with more general provisions or provide more significant detail than the Consent Decree provides.” Dkt. 93 at 7–8 (providing examples of Equipment and Resource Plan requirements that are comparatively more or less detailed in the Consent Decree). Although “[t]he City disagrees with the implication” that the Monitor should assess the Equipment and Resource Plan in relation to mainstream practices in the area of information technology project management, Dkt. 95 at 5, the Monitoring Team continues to assess the Plan in light of the approaches that other cities, police departments, and sectors of public and private life successfully use in ensuring a data and technology infrastructure that allow for the effective and efficient delivery of services. *See* Dkt. 93 at 9–11 (providing

broad overview of some basic tenets relating to information technology project management and strategic planning).

II. ANALYSIS OF THE CITY'S PROPOSED EQUIPMENT & RESOURCE PLAN

A. The General Approach of the Current Plan Is an Improvement Over the November 2016 Plan.

In a number of important regards, the April 17, 2017 plan (the "April 2017 plan") represents a notable improvement over the previously-filed November 25, 2016 plan (the "November 2016 plan"). First and foremost, the most recent version now provides specific milestones/deliverables and associated dates. Although the Plan does not always indicate a particular person or resource that will be responsible for each milestone/deliverable, it does indicate the responsible City entity, division and/or vendor.

In addition to not embracing outside assistance with refining the City of Cleveland's overall planning and project management approach to law enforcement IT projects, the Plan does not meaningfully account for project interdependencies. Although it does include target dates for various milestones and interdependencies, the City has yet to identify how the rate of progress on some initiatives may impact the rate of progress in others, in particular as it pertains to specific technological and resource requirements of the Consent Decree. For example, the City plans to go live with its upgraded CAD platform in December 2017 – at the same time that it is targeted to be in the middle of its RMS Field Based Reporting deployment. How the City and CPD will provide sufficient resources to perform the technical, end-user support, training, and deployment activities for both projects at once remains unclear.

B. The Plan Does Not Yet Comply with Provisions of the Consent Decree Related to Computers.

The Consent Decree specifically requires that the Plan provide for “an adequate number of computers” with the Division. Dkt. 7-1 ¶ 293(a). The City has now deployed 51 of the 105 computers it purchased for Field Based Reporting. The remaining computers will apparently be deployed as soon as electrical work is completed in the stations that will receive those computers. The Plan, however, still does not provide any sense of what “an adequate number of computers” under the Consent Decree is. Although the ratio of computers to personnel will be 1:1.92, after all 105 computers are deployed, the Plan does not indicate whether more than the previously-purchased 105 computers are necessary for current staffing outside of the reporting writing rooms (e.g., specialized units, detectives, etc.). The Plan does indicate that CPD will receive new computers via the City PC Refresh Program, Ex. A at 6; however, these would not be net new computers but only a one-for-one swap of an old computer for a new computer. It is yet to be seen if the City has plans to add to the deployment of computers outside of the 105 going to report writing areas. It must be noted that 105 is no magic number. Instead, it is simply the number of computers that Cleveland could secure with a given grant funding.

Accordingly, the Monitor approves of the Plan only insofar as it outlines an approach for ensuring deployment of the 105 desktop computers that have been sitting in City storage since early 2016. Dkt. 97 at 59. The Monitoring Team cannot determine if this number is “adequate” for purposes of the Consent Decree based on information provided in the Plan. *See* Dkt. 93 at 8 (defining “adequate”).

B. The City’s Patrol Vehicle Modernization Plan Adequately Addresses the Requirements of the Consent Decree.

Paragraph 293(b) and (c) relate to ensuring that CPD have a sufficient number of well-equipped zone cars. CPD currently has an insufficient number of patrol cars overall. CPD reports to have 358 marked zone cars, spread throughout the Districts, Downtown Services Unit,

Bureau of Traffic, CLE Hopkins International Airport, and other locations. CPD completed a Patrol Vehicle Fleet Assessment in January 2017, and developed a Patrol Vehicle Modernization Plan in February 2017. The Plan indicates the City will purchase 45 new vehicles each year, beginning in 2017, for five years, for a total of 225 new patrol vehicles by 2021. Ex. A at 82. In April 2017, the Cleveland City Council approved the purchase of the 45 patrol vehicles that will be purchased in 2017. The Plan also contains a process for ensuring that all CPD patrol cars have access to computer-aided dispatch, CPD's records management system, and other law enforcement databases necessary for core operational functions. *See* Dkt. 7-1 ¶ 293(c).

The Monitoring Team approves the Equipment and Resource Plan, and the incorporated Patrol Vehicle Modernization Plan, with respect to paragraphs 293(b) and (c) of the Consent Decree because it finally puts long overdue patrol cars on the streets and at the disposal of the patrol officers who need them. The Monitor commends the City for addressing this issue in a strategic, specific way that suggests the level of particularity that the City needs to use with respect to the other, outstanding areas not yet adequately addressed in the Plan.

C. The Plan Sufficiently Addresses Updates to the City's Computer-Aided Dispatch System.

The Consent Decree requires that CPD use "a mobile computer-aided dispatch system that allows officers and supervisors to access real time information received from call-takers and dispatchers." *Id.* ¶ 293. Computer-aided dispatch ("CAD") systems allow dispatch/communications personnel to dispatch officers in the field to calls for service via an automated system.

The City is in the process of upgrading the CAD system to include silent dispatching, which allows officers to be assigned calls for service via the Mobile Data Computer instead of over the radio. Cleveland's EMS and Fire currently use silent dispatching; however, CPD does

not. As such, CPD's radio is unusually busy, as compared to other law enforcement agencies, and officers must track information regarding a call for service manually, rather than having the information displayed on an in-car computer.

The City held the kick-off meeting for the CAD upgrade project on March 24, 2017, and CPD is currently working with the vendor to determine the appropriate software configuration to meet CPD's needs. The City is targeting December 2017 to go live with the upgraded CAD at the CPD dispatch center, and will then follow with the deployment of silent dispatch to patrol vehicles, one District at a time, in early 2018. The Monitoring Team approves the City's approach with respect to the CAD upgrade and finds the Plan consistent with the Consent Decree on the subject of CAD.

D. The Plan Does Not Ensure that CPD Maintain and Improve Its Existing Equipment or Identify New Equipment Needs.

The Consent Decree requires that the Plan "ensure that CDP" "properly maintains and seeks to continuously improve upon existing equipment and technology" and "is appropriately identifying equipment needs and seeking to utilize, as appropriate, emerging technologies." Dkt. 7-1 ¶ 293(e)-(f). The City's Plan fails to satisfy this requirement. Instead, the Plan largely inventories a series of short-term corrective measures necessary to address the sustained disinvestment, inattention, and lack of accountability that has left the Division of Police "decades behind its peers," CPD officers ill-equipped to do their jobs, and the police department less responsive to crime and community concerns than it must be. Dkt. 97 at 59.

During initial discussions with the Monitoring Team and in the initial version of the Plan, CPD's rejection of the need for outside experts was of particular concern. The Monitoring Team repeatedly recommended to the City and CPD that it engage with outside consultants to help revamp the overall IT governance structure, properly manage and implement significant

technology initiatives, and enhance the capacity of the City and CPD to maintain and improve existing equipment and technology. In an effort to address this concern, the most recent proposed Plan indicates that the “Department of Public Safety has now been rolled into the IT Governance Structure” of the City, which includes the creation of a Project Management Office, the standardization of project documentation and processes, the identification of a “business owner” for each project, and the use of consultants for project management of large initiatives such as the CAD upgrade and the implementation of mobile field based reporting. Ex. A at 34–35.

In an effort to address the Decree’s requirements related to identifying equipment needs, maintaining and improving upon existing technology, and utilizing emerging technologies, the City has established the Public Safety Strategic Technology Executive Committee. The Technology Executive Committee, comprised of the Chief of Police, various deputy chiefs, and the City CIO, will develop the CPD IT strategy in conjunction with City IT. *Id.* at 37–39. While the Monitoring Team sees this as a much-needed process to determine the selection and implementation of IT based on the business needs and priorities of CPD, there is still a need to focus on the maintenance and improvements to existing IT.

The City has indicated that processes such as the lifecycle replacement of CPD computers and routine system upgrades will be handled by existing City processes. Yet it is unclear as to what entity will be responsible for ensuring that all CPD IT, equipment, and resources will be properly maintained.

Part of why the CPD has not benefitted from sounder platforms for its “core law enforcement systems,” Dkt. 97 at 59, is because strategic and project planning for such projects has been divorced from mainstream approaches. The Monitoring Team remains

comprehensively mystified by the City's strong resistance to engaging with outside consultants to transform its internal information technology and ensure that City, Cleveland Public Safety, and the Division of Police are all benefitting from mainstream, common-sense approaches to structuring IT projects. Although the City believes that it has nothing to learn from IT governance and project management approaches that other police departments, cities, and sectors of public and private life find successful, the City will not be able to ensure that the substantial challenges that it has faced historically with respect to ensuring an adequate technology and information infrastructure for CPD are, in fact, consigned to the past.

It should also be noted that the City offers no route for ensuring compliance with paragraph 294, which requires that the Division "actively seek input and feedback from the [Community Police] Commission, patrol officers, and supervisors regarding resource allocation, equipment needs, and technological improvements." Likewise, it does not propose any system, process, or procedure for ensuring compliance with paragraph 298, which requires that the Division "employ information technology professionals who are trained to conduct crime and intelligence analysis, who are capable of troubleshooting and maintaining technology systems[,] and who can identify and suggest appropriate technological advancements." The Monitor notes that the bare representation that some people may be employed somewhere within the Division who "do" crime analysis or provide technological support is not the same as ensuring the employ of people who are trained to do so, capable of fully and effectively troubleshooting, and/or who have the access to a specified process for identifying technological advancements.

Because the Plan sets forth no process, plan, procedure, or other mechanism to ensure dynamic, strategic planning with respect to law enforcement technology and equipment, it does not yet satisfy the terms of the Consent Decree.

E. The Plan Does Not Address a Host of Other Provisions of the Consent Decree that Relate to Technology and Equipment.

The Plan must also address how the Division will satisfy the other substantive requirements of the Decree. *Id.* ¶ 292. For example, CPD must collect data regarding investigatory stops, *id.* ¶¶ 160–75, and “calls and incidents involving individuals in crisis,” “develop and implement a single, uniform, reporting system” to meet the Decree’s requirements regarding use of force reporting, *id.*, and implement “a computerized relational database that will be used to collect, maintain, integrate, and retrieve data department-wide and for each officer regarding” a host of specific performance data. *Id.* ¶ 87.

Because it does not meaningfully engage with technology issues relating to the documentation of crisis events, documentation of stops, investigation and review of force incidents and administrative investigations, the implementation of a modern early intervention system, and other areas, the current Plan does not yet satisfy paragraph 292 of the Consent Decree.

III. CONCLUSION

The Monitoring Team approves the Plan as “appropriate, effective, and consistent with the requirements” of paragraphs 293(b), (c), and (d) of the Consent Decree. It cannot approve the Plan with respect to paragraphs 292; 293(a), (e), and (f); 294; and 298.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2017, I served the foregoing document entitled Memorandum Submitting Equipment & Resource Plan via the court's ECF system to all counsel of record.

/s/ Matthew Barge
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