Cleveland Community Police Commission

2019 ANNUAL REPORT & COMPREHENSIVE REVIEW

A REFLECTION OF FOUR YEARS OF CIVIC LEADERSHIP & COMMUNITY EMPOWERMENT IN THE CITY OF CLEVELAND

Mission Statement

The mission of the Community Police Commission is to make recommendations on policies and practices related to community and problem-oriented policing, bias-free policing, and police transparency; to work with the many communities that make up Cleveland for the purpose of developing recommendations for police practices that reflect an understanding of the values and priorities of Cleveland residents; and to report to the City and community as a whole and to provide transparency on police department reforms.

> "The purpose of the Commission is to serve as the conduit between the community and the reform process – and to be the place where Cleveland comes together to talk about the type of police services that it wants and needs."

- Cleveland Police Monitoring Team

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Letter from the CPC Commissioners

Dear Fellow Greater Clevelanders:

As we approach our 4 year anniversary, the members of the Cleveland Police Commission appreciate this opportunity to share highlights of our accomplishments. Your generous help and suggestions made it possible for us to impact reforms and improve the police community relationship. We hope that our efforts continue to inspire optimism in the transformation process and bridge divides for years to come.

On Tuesday, May 26, 2015 the City of Cleveland and the United States via the federal court system signed a settlement agreement, also known as a consent decree, which described the ways citizens would become more involved in police operations. As a result, 10 commissioners were appointed by Mayor Frank Jackson to fill a four year term and three commissioners were appointed by their respective police organizations. This first four year term will be fulfilled September, 2019.

As our first four year term comes to a close, we express gratitude for the help of citizens. Countless individuals, groups and organizations have contributed to new Cleveland police policies on community problem-oriented policing, accountability, search & seizure and bias-free policing. These new doctrines will contribute to the betterment of the community and the police department. We have described these projects and others in our annual report and hope that you are inspired by seeing our collaborative impact. As we prepare to seat a new group of commissioners, we remind you that the work continues and your involvement is essential in ensuring its enduring success.

Sincerely,

The Community Police Commission

Commissioners & Service Dates

****Sgt. Richard Jackson,** Aug. 2018 - Present
****Ms. LaToya Logan,** Nov. 2016 - Present
Ms. Gail Maxwell, Apr. 2018 - Present
***Mr. Richard Knoth,** Dec. 2017 - Present
***Mr. Mario Clopton-Zymler,** Sept. 2015 - Present
***Rev. Dr. Yvonne Conner,** Sept. 2015 - Present
Mr. Gordon Friedman, Nov. 2016 - Present
Dr. Kathleen A. Clegg, Sept. 2015 - Present
Dean Lee Fisher, Sept. 2015 - Present
Det. Jeff Follmer, Jan. 2018 - Present
Mr. Christopher Brown, Mar. 2019 - Present
Mr. Anthony Body, Sept. 2015 - Present
Ms. Tiffany Artis, Mar. 2019 - Jun. 2019
Mr. Vincent Montague Jr., Jan. 2018 - Aug. 2018
Ms. Amanda King, Sept. 2015 - Jul. 2018
Mr. Dylan Sellers, Sept. 2015 - Jul. 2018
Lt. Paul Baeppler, Feb. 2017 - Dec. 2017
Comd. Deirdre Jones, Nov. 2016 - Jan. 2017
Det. Steve Loomis, Sept. 2015 - Dec. 2017
Det. Lynn Hampton, Sept. 2015 - Dec. 2017
***Dr. Rhonda Y. Williams,** Sept. 2015 - May 2017
Sgt. Tim Higgins, Sept. 2015 - Mar. 2016
***Dean Craig Boise,** Sept. 2015 - Apr. 2016
Mr. Max Rodas, Sept. 2015 - Jan. 2016

* Served at least one term as CPC Co-Chair
** Current CPC Co-Chair

From the Executive Director

Four years ago, the authors of the Cleveland Consent Decree had a vision: a vision where the community would be empowered to advise police executives, the Mayor and council to co-create a better Cleveland Division of Police. A division where the policy and philosophy that it relies upon serves the needs of each neighborhood. A division that leads the nation in 21st century, constitutional policing.

The consent decree mandated a commission of 13 members to make recommendations on policies and practices that can help strengthen relationships between officers and the communities they serve.

On paper, it sounds wonderful. In reality, implementing the vision has been challenging for everyone involved. Many times the public narrative of this board was reflective of the conflict and divisiveness that is very pervasive in our society today. However, the authors of these negative stories had limited perspective. Their goal was not to promote the good work of this Commission. The good work, in fact, has always been there and should have been at the top of the headlines over the past four years.

I joined the Commission as the Executive Director in 2017. Over the past two years I have watched this board adapt and overcome EVERY challenge it has faced. Their **passion**, **grit** and **determination** to empower the community is unmatched. The Commission has made progressive and impactful recommendations related to use of force, bias-free policing, community policing, investigative stops, arrests and detentions, search and seizure, Miranda rights, and problem-oriented policing. Each policy touched by the Commission, and in turn the community, has been vastly improved. As the Commission grows in its understanding of their role, so does the quality and acceptance rate of their recommendations.

As we journey into our fifth year, I encourage everyone to go beyond reading this report. Visit our website at **www.clecpc.org** and get familiar with the work of the CPC. It is through the Commission that your voice is heard. It has been an honor to serve this group, and the community. I hope to see you at one of our meetings soon.

Jason Goodrick
Executive Director

Division Appointing Authority, Designees & Support Group

Sharon Dumas, *Interim Chief of Staff & Director of Finance*
Kevin Preslan, *Manager of Finance*
Monica Medej, *Deputy Auditor*
Anthony Houston, *Project Coordinator*
Gary Singletary, *Chief Counsel*

Cleveland CPC Staff

Jason Goodrick, *Executive Director*
Junita Thomas, *Assistant Administrator*
Ryan Michael Walker, *Senior Policy Analyst*
Shalenah Williams, *Community Engagement Coordinator*
Sara Anderson, *Marketing & Communications Specialist*

Empowered Community Voices

Many groups committed to social justice worked to ensure the voices of Cleveland citizens and police officers were included in the fight to change unconstitutional policing practices before the Cleveland Community Police Commission (CPC) was established. The groups highlighted below - and many others - submitted comments, recommendations and reports to the U.S. Department of Justice prior to the formation of the CPC.

Local Conversations

In January of 2015, a coalition of community groups and leaders hosted a day-long event called, "Local Conversation on the Department of Justice Report". Over 120 people attended the event to thoroughly examine the DOJ's report on the Cleveland Division of Police with the intent to provide recommendations for community driven solutions to problems identified in the report. The coalition issued a report later that month that, amongst other things, called for citizens to continue to be involved in the reform process.

Established civil rights organizations, pro-justice organizations, and academia also held forums or aided in other community efforts as a result of the DOJ report including the ACLU of Ohio, NAACP Cleveland, Cleveland-Marshall College of Law, Case Western Reserve University School of Law and Case Western Reserve Social Justice Institute.

Cleveland Division of Police Officer Associations

The Black Shield Police Association, Fraternal Order of Police, and Cleveland Police Patrolman's Association all represent the rights and interests of the persons employed by the Cleveland Division of Police. Each organization has independent missions, and each shared their perspective on the DOJ's report. Together, they advocate for police officer inclusion and representation in the change discussions.

Collaborative for a Safe, Fair and Just Cleveland

The Collaborative's mission was to be an equal partner in efforts to craft and implement comprehensive and sustainable reform by:

- Recommending changes to policing policies and practices
- Participating in the implementation of those changes
- Giving individual community members and groups a voice and stake in the reform process
- Building trust and strengthen community-police relations, and to provide long-term community perspectives on the effectiveness of policies, programs and efforts to implement reform

A smaller group of leaders, including some participants of the Collaborative, was called the "Cleveland 8". The Cleveland 8 was instrumental in the struggle for justice during several high-profile incidents in Cleveland including the killing of 12 year old Tamir Rice.

> "Before the Consent Decree, there existed a network of community activist leaders, scholars, community leaders, civil rights lawyers, and academics who insisted upon a robust, transformative policing reform process in Cleveland."
>
> - Commissioner, Mario Clopton-Zymler

The Commission is Formed

Consent Decree, paragraphs 15 - 22

"To leverage the experience and expertise of the people of Cleveland, and to ensure that CDP recognizes and operates in a manner consistent with cooperative community understanding and engagement, the City will establish, within 90 days of the effective date, a Community Police Commission ("Commission") consisting of 13 members who represent the many and diverse communities in Cleveland. The Commission will have the following mandate:

a. to make recommendations to the Chief of Police and the City, including the Mayor and the City Council, on policies and practices related to community and problem-oriented policing, bias-free policing, and police transparency;
b. to work with the many communities that make up Cleveland for the purpose of developing recommendations for police practices that reflect an understanding of the values and priorities of Cleveland residents, and
c. to report to the City and community as a whole and to provide transparency on police department reforms."

Highlighted Projects by Year

2015/ 2016

- Emergency Ordinance 750-15 Regarding Biased Based Profiling (10/15)
- Use of Force Summary Report and Recommendations (3/16 & 5/16)
- Bias-Free Policing Report and Recommendations (3/16 & 5/16)
- Inspector General Recommendations and Qualifications (3/16)
- CDP Mission Statement and Best Practices (5/16)
- Office of Professional Standards (OPS) & Civilian Police Review Board (CPRB) Charter Amendments (8/16)
- OPS & CPRB Policy and Procedure Manuals (11/16)
- CDP Equipment & Resources Plan Feedback (12/16)

2017

- Statement on Body Worn Cameras (5/17)
- CDP Discipline GPO and Matrix Feedback (5/17)
- Community & Problem-Oriented Policing Report (7/17)
- Community Engagement Assessment Plan (9/17)
- Bias-Free Policing; General Order Feedback (10/17)

2018

- Community and Problem-Oriented Policing Plan Recommendations: Including Staffing & Recruitment Plans (8/18 & 9/19 & 10/19)
- NACOLE Regional Meeting Training Series on Civilian Oversight (11/18)
- Search and Seizure (5 GPO's) Feedback: Investigative Stops, Search and Seizure, Miranda Rights, Strip Searches/ Body Cavity Searches (11/18)

2019

- Search and Seizure Updated GPO Feedback (2/19)
- Citizens Complaint Alternative Dispute Resolution/Mediation Proposal (6/19)
- CPOP: Mini-Stations in the Context of 21st Century Policing (5/19)
- CPOP: Work Group Comments on CDP's Draft CPOP GPO (5/19)
- Report and Evaluation of Cleveland's Civilian Oversight Structure (In Progress)
- Accountability Work Group Update and Recommendations (In Progress)
- CPOP: Preliminary Impressions on Implementation of District Policing Committee Strategy (In Progress)

Bias-Free Policing

Consent Decree, paragraphs 35 - 44

"The Bias-Free Work Group sought to gain an understanding of the views of people in Cleveland who have traditionally not had a voice and who may have had substantial concerns with police practices."

- Lee Fisher, CPC Commissioner and Chair Bias-Free Policing Work Group

The Commission recognizes that unconscious bias and also explicit racism in policing is a reality for some citizens who have shared their stories with us over the years. We also recognize that many persons were disturbed that the *DOJ Findings Letter* in 2014 did not specifically mention race as a factor in its findings, despite the fact it was reported as a factor by citizens. Even without a conclusion on the issue in the report, the Consent Decree addressed the community's concerns via the label of "bias-free policing."

From September 2015 - May 2016 and again in the Summer of 2017, the commission conducted extensive outreach to community members across the city to learn community views about bias-free policing.

A work group, chaired by Commissioner Lee Fisher, consisting of Commissioners and subject matter experts in law and advocacy work analyzed the community feedback and conducted independent research on policies and procedures of other city departments.

They used the following framework to complete a ground-breaking 97 page report in Spring of 2016:

- Encounters and Relations with the Public
- Discrimination and/or Disparate Impact of Policies on Diverse Communites
- Management Practices, Organizational Culture, Recruitment and Advancement
- Training and Reporting

In the Summer of 2017, the group was re-convened to comment on the Division's first bias-free policy. The final policy and bias-free training was approved by the Court on March of 2018, and July of 2019 respectively.

The Bias-Free Work Group's strategic approach to policy recommendation would become the model for future CPC work groups.

Impactful Recommendations Made by the Work Group

- Adopt the "trustworthy suspect-specific model" for encouters with the public. This model would better achieve the goals of fair and impartial policing by limiting the instances in which race, color and characteristics of other classes may be employed in police work. Under this model, protected or marginalized class identifiers can only be used in limited circumstances connected to a specific person and particular crime.
- The existing CPD disciplinary matrix should be revised to include biased-based policing as one of the items for which an officer can be disciplined, including discipline for supervisors and officers who fail to report instances. Conversely, officers and supervisors who effectively demonstrate bias-free policing should be rewarded.
- Expansion of protected classes in division policy beyond the legal definition to include gender identity, sexual orientation, housing status, economic, language proficiency, veteran status, citizenship or refugee status, and age (emphasis on youth).
- Law enforcement officers must collect data and maintain information from all motor vehicle and pedestrian stops and delays to determine whether bias-based policing factored into these actions.
- We urge City Council to pass legislation to further strengthen the Consent Decree's bias-free principles.

The Commission recognizes elimination of bias in police work is an essential component of building trust between the community and the police who serve. The work started by the Bias-Free Group is carried on today by the Search and Seizure Work Group.

Use of Force

Consent Decree, paragraphs 45 - 130

"The use of force by police should be guided by a respect for human life and human dignity, the need to protect public safety, and the duty to protect individuals from unreasonable seizures under the Fourth Amendment." - U.S. DOJ, Civil Rights Division, Investigation of Cleveland Police Findings Letter

Use of force is the primary component of the 2014 DOJ Investigation, the Consent Decree and the reason for the CPC's creation. Reforming the policies that led us here is a top priority for the community.

Citizens still, four years after the reform efforts began, frequently speak on the issue of force. Their stories and feelings are passionate and often deeply troubling to the soul of those listening with empathy on this Commission. The members recognize the trauma felt by many persons in Cleveland as a result of actions by the police going back multiple generations.

Reforming policies is only ONE component of the healing cycle. To that end, we are working on multiple fronts beyond what is described in this section to ensure our recommendations are impactful in both day to day practice of law enforcement on the streets of Cleveland and long-term wellness of the community and officers.

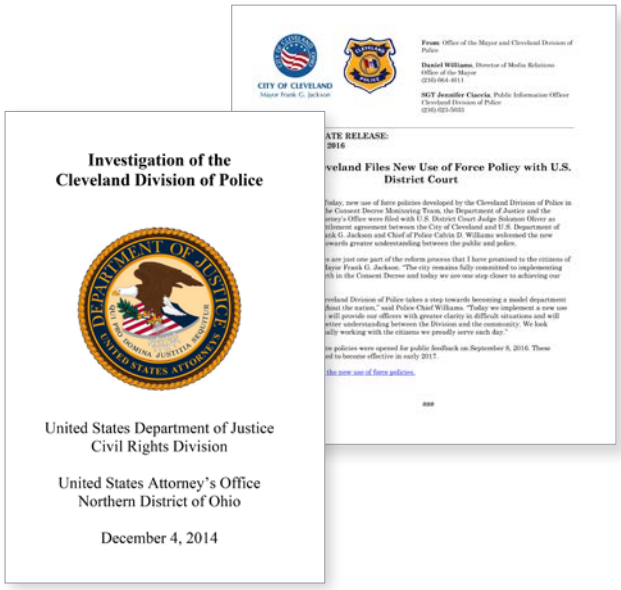
The Commission's work on use of force began immediately. In the spring of 2016 the Commission released two reports with initial recommendations and comments on the proposed changes to the use of force policy for Cleveland's police.

Highlights of our Impactful, Value-Based Recommendations

- Make life preservation, dignity and respect of all human beings, and duty to avoid abusive treatment the corner stones of use of force policies and procedures;
- Go beyond the Constitution. Progressive departments recognize that the Constitution provides minimal protections to citizens when it comes to Use of Force. Treat the Constitution as the "floor" not the "ceiling." Design rules and policy that is more restrictive and better serves the community.
- Affirm de-escalation as the preferred approach, including verbal warnings, distance and cover, and tactical withdrawal. Use of force should be a last resort.
- Satisfy a two-prong test of proportionality and necessity. Require officers as a duty and responsibility to intervene and stop excessive use of force and report the incidents immediately to supervisors, who must investigate each incident thoroughly whether or not they think the use of force is justified.

New use of force policies with emphasis on de-escalation were approved by the court in 2017. All sworn officers were retrained by December of 2017. Commissioners who attended the training as observers indicated that the training provided hope for change but cautioned that only time will determine if the training is successful.

Use of force will be a major factor in evaluating the success and conclusion of the Consent Decree. The Commission will remain vigilant in this critical area via its Accountability Work Group.



Community Engagement, Building Trust & Problem Oriented Policing (CPOP) Consent Decree, paragraphs 14-34

"To further these goals, the Cleveland Division of Police ("CDP") and the Community must have a strong relationship that is built on mutual trust and respect." - Consent Decree Preamble

The preamble of the Consent Decree is a short two paragraphs consisting of a mere 270 words. Yet, it is within these words we find the spirit and the values of the document. Trust is introduced in the preamble as the keystone value that is a benchmark for success of the technical changes the document demands. Trust is an essential component of any human relationship.

The Commission is aware that filing dozens of updated policies and subsequent reports filled with quantitative data cannot be used to speculate about any increase in overall trust between the police and the community. Trust cannot be simplified to mere statistics related to use of force, police stops, or crime in the community. It must be gauged by observation of the day to day interactions between police and the citizens they serve. In these interactions we must find equality, honesty, empathy, and mutual respect. The Commission recognizes the importance of establishing clear guidelines for the management of this complex relationship between the police and the various communities they serve. The Commission's work to positively impact trust began in 2016 and continues today.

Cleveland Division of Police Mission Statement Revision

Led by Dr. Yvonne Conner, in 2016 the Commission again joined with subject matter experts from academia and other sources to form a working group. The purpose of the group was to devise a set of recommendations to aid CDP in drafting of a new mission statement.

A "Mission Statements Best Practices" report was created and submitted to the Division. The CPC collected feedback from meetings and surveys along with an examination of best practices. After receiving the CPC's report on how to draft a high-quality mission statement, the CDP wrote three drafts of a possible mission statement and asked the CPC to gather community feedback on each draft. As a result of the process a new mission statement was approved by the court in the Summer of 2016.

The CPC's efforts ensured concepts that reinforce relationship building and trust are now part of the Division's Mission Statement. Inclusion of phrases such as "reverence for human life" and "partnership with community" re-inforce to every officer that the departments philosophy is shifting in the 21st Century.

Community and Problem Oriented Policing Plan 2017 - 2019

In 2019 the Division's first Community and Problem-Oriented Policing (CPOP) Plan was approved by the Court. This plan was preceded by a tremendous effort of both the CPC and the Monitoring Team to engage the public via townhalls, surveys and other avenues over a two year period. As a result the approved plan addressed many concerns related to community engagement and future collaboration between police and the community. Highlights of recommendations from each phase are detailed below.

2017 CPOP pre-work key findings and recommendations:

- Many community members do not feel officers understand the neighborhoods they police or the people who live in them. A plan should address ways to promote positive interactions and learning for officers and citizens.
- Many residents trust established community organizations in their neighborhoods. A plan should include the division partnering with trusted community organizations to solve problems and build relationships.

- Many residents believe that racial equity and diversity training needed to be addressed in the plan.
- Many residents believe that outreach efforts need improvement. Community members suggested that the Division use social media and other platforms to better connect with communities they serve.
- Residents also believe the Division's resources and support should increase to achieve community engagement goals.

The Division of Police released a 31 page draft of its CPOP plan in 2018 which incorporated much of the initial feedback from the community. The Commission's subsequent comments on the draft were extensive, with over 100 recommendations for improvement delivered in a series of five documents during the Summer and Fall of 2018. Summaries of key recommendations are:

- The Community Wellness Model, as described, should be measurable in some way and not just philosophical. It must also be inclusive of officer wellness.
- Racial equity must be addressed. This includes training for officers on implicit bias and the history of neighborhoods in Cleveland with emphasis on racial disparities.
- Training on the Scanning, Analysis, Response, Assessment (SARA) model of problem solving as described in the plan must be significant in scope and quantity to ensure the plan is a success. This includes training by the division for citizens interested in participating in the process of problem solving.
- There must not be any effort by law enforcement to collect files or keep data on individual citizens or activist groups under the guise of community engagement.
- The Division must recruit members from within the communities they serve who reflect the values of the Consent Decree. Further, the City should develop an incentive program for officers to live in the neighborhoods of Cleveland.
- The Division should consider exploring how it can address the issue of "Truth and Reconciliation" to help ensure the success of the CPOP plan.

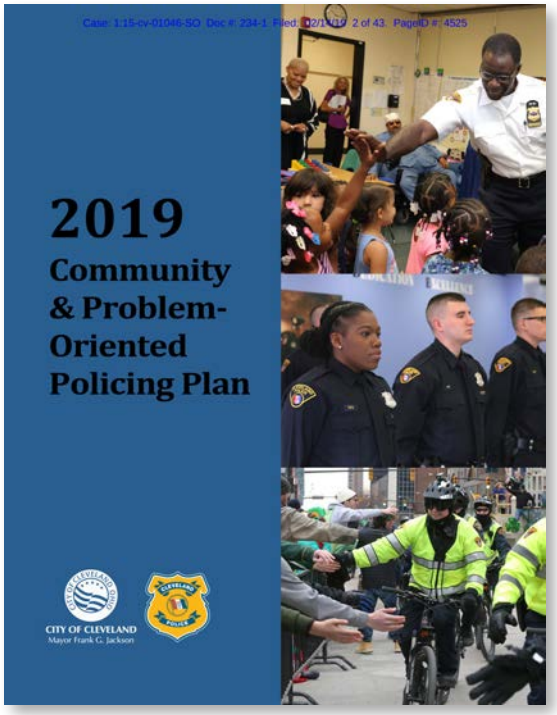
"Truth and Reconciliation" is a concept of restorative justice. A "Truth and Reconciliation" program addresses inequality and trauma through conversation and examination of complete facts. Successful programs revise history's power narrative to include voices of victims and attempts to ensure harmful actions are not repeated.

Community and Problem Oriented Policing Work Group 2019

As a result of the Commission's advocacy work a detailed list of 14 action items was included in the approved CPOP plan. Dr. Yvonne Conner formed a CPOP working group comprised of commissioners and community members to monitor and evaluate the action steps which include; drafting of a general police order to support the plan and development of district awareness training for officers. The group is open to the public and meets twice a month to discuss new developments and update recommendations.

In April of 2019, the group responded to the public conversation started by City Council on police mini-stations. A forum was held with community members and experts to explore how mini-stations might work in the context of the Consent Decree and CPOP Plan. A report was produced and shared with city officials and council members.

The group is also in the process of evaluating the implementation of the District Policing Committee Strategy, an independent document and plan designed to provide each district a method for connecting with the community via established, regular meetings. The group is scheduled to release its first impressions report on the District Policing Committee Strategy in Fall 2019.



Search and Seizure

Consent Decree, paragraphs 160 - 175

The Consent Decree mandates that all searches and seizures are conducted in accordance with the rights secured and protected by the Constitution, federal and state law. In 2018, Commissioner Gordon Friedman formed the Search and Seizure Work Group. The goal of the group was twofold: 1) to build upon the past work of the Bias-Free Policing Work Group and 2) to ensure that the Division of Police will conduct searches and seizures lawfully, fairly, respectfully and in a manner consistent with the ideals of procedural justice, problem-oriented policing, and community values.

Pre-Policy Education

Recognizing that community feedback related to search and seizure requires some foundational knowledge of the legal concepts the Work Group developed a presentation that covered constitutional law, searches, seizures and police encounters. The presentation was given at the full CPC community meeting on March 27th, 2018. A video of the presentation was also placed on the CPC website for community members who were not able to attend.

Policy Review & Recommendations

In 2018, the CPC through the leadership of Commissioner Gorden Friedman, formed a work group of local experts on criminal and constitutional law, practitioners from local criminal justice systems, and policy experts from community advocacy groups.

The Work Group met multiple times over several months and drafted recommendations for improving the following five draft policies : “Search and Seizure”, “Investigatory Stops”, “Probable Cause/Warrantless Arrests”, “Miranda Warning and Waiver”, “Strip Searches & Body Cavity Searches”.

The Work Group presented its recommendations in a series of meetings over the course of several months with city officials, DOJ officials and members of the monitoring team. A vigorous dialogue resulted in significant language change to the policies.

Some highlights of recommendations include:

- Setting the Constitution as the “floor” not the “ceiling” in the polices;
- Expanding language in areas such as “pat down”, “reasonable suspicion”, and “consensual encounters”;
- Including specific provisions for dealing with youth in all policies;
- Expanding definitions related to gender equality and universal use of the pronoun “they”;
- Universally reducing or eliminating the use of military terminology in policy;
- Addressing trauma in the community related to searches and seizures;
- Reducing the risk of harm by giving examples of threats and coercion officers are prohibited from using to obtain consent to search;
- Providing explicit written guidance on open carrying of a firearm in policy to reduce risk that individuals open carrying may be profiled on illegitimate factors such as race; and
- Utilizing subject matter experts in law (J.D.) as instructors for all Search and Seizure related training.

In addition the work group advocated for a continued commitment to pursuit of the following;

- Training that is sufficient in scope and quantity that includes references to recent case law and utilizes subject matter experts in law as instructors. Commissioners and community members should be allowed to audit the training to provide feedback;
- The creation of a “Gender Equality Policy” and a “Interactions with Youth Policy” in the General Police Orders for the Division; and
- Reduction of number of strip searches to zero by the Cleveland Division of Police.

A Special Note Regarding Search and Seizure, the Constitution and the Fourth Amendment

The CPC recognizes the Constitution is the backbone of the Consent Decree, particularly the Fourth Amendment of the Constitution. Although the Constitution alone is not sufficient to ensure justice in every case of police action locally, it's values, particularly the power vested in "We the people," is at the heart of the CPC's work.

In its 2014 findings letter, the DOJ concluded: "that we have reasonable cause to believe that CDP engages in a pattern or practice of the use of excessive force in violation of the Fourth Amendment of the United States Constitution. We have determined that structural and systemic deficiencies and practices—including insufficient accountability, inadequate training, ineffective policies, and inadequate engagement with the community—contribute to the use of unreasonable force."

Over the past four years our advocacy work has contributed to the Division of Police making great strides forward in its practices and procedures. However, we thought it prudent to share the words of the Fourth Amendment with the readers of this report with the hope that we, the people of Cleveland, never again have need for a settlement agreement:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Our wish is that these words will continue to guide future policy decisions and lead to safe, equitable and just experiences for all citizens of Cleveland.

Officer Misconduct & Accountability

Consent Decree, paragraphs 176 - 249

The Consent Decree mandates that the City of Cleveland and the CDP will ensure that all allegations of officer misconduct, whether internally discovered or alleged by a civilian, are fully, fairly, and efficiently investigated. The CPC has been deeply involved in this broad area of reform work.

Reform of Civilian Police Review Board (CPRB) and the Office of Professional Standards (OPS)

In 2015, a work group led by emeritis CPC Co-Chair, Dr. Rhonda Y. Williams, was formed. The group included community members, investigators of the Office of Professional Standards, as well as members of the then-current Police Review Board. It was determined that the best way to achieve the reform discussed by the group was to propose an amendment to §115-1 through §115-4 of the City's Charter.

A campaign to make this happen soon followed. Some of the recommendations of the group were brought before the citizens as a ballot issue related to the changes. Cleveland voters approved Issue 33 in November of 2016 which restructured the process for selecting members of the Civilian Police Review Board (CPRB), with the intent to be more inclusive and representative of the citizenry, as outlined in the City's Charter §115-2. It was the first of many changes to these two accountability groups.

The CPRB Work Group also examined best practices in civilian oversight organizations with the intent of co-creating the new CPRB and OPS Operating Manuals. Multiple meetings were held with the community examining values, and listening to experiences and concerns. The CPC formulated its recommendations in March of 2016.

After several rounds of edits and input from the CPC, the CPRB and OPS operations manuals were submitted to the Court for approval in November of 2016.

CDP Discipline Policy and Matrix

Our recommendations on the Division's internal discipline policy were crafted from best practices and example disciplinary policies from police departments around the nation. Input also was sought and received from the community in several ways; through established group engagement, open public meetings and review of past comments at CPC meetings. The goal of the CPC's recommendations were to accomplish three things:

- Assure that the disciplinary matrix includes proactive measures, as well as responsive procedures, to improve interactions between the community and police.
- Assure that the disciplinary matrix is clear, enforceable, and achieves accountability in police-community inter actions, including but not limited to violating the rights of community members, code of conduct, and established protocols and policies.
- Assure that (a) preemptive measures to prevent the necessity for disciplinary action and (b) sustained rulings regarding actual misconduct comport with due process and are consistently and fairly enforced, in order to build trust in the process by police and the community.

The work of the CPC contributed to two filings of the updated Discipline General Police Order and Matrix in 2018, and again in 2019.

Discipline within the Division is an area of great concern to the citizens of Cleveland. Recently the CPC has requested public records from the City related to officer discipline.

The purpose of this request is to ensure that officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair, consistent and provides due process.

So far, the City has not complied with a portion of the request which would lead to greater transparency and citizen understanding of the system. We will continue to provide updates to the community on the status of our request. We will also continue our quest to gain insight into this complex, and often misunderstood discipline system that causes undue stress in officers and tension on their relationship with the community.

Accountability Beyond Discipline

In 2018, the CPC established a new Accountability Work Group. The committee, led by a current CPC Co-Chair LaToya Logan and open to all interested community members, focused on the larger theme of accountability, specifically identifying industry best practices and innovative strategies to develop proactive and preventive measures designed to reduce misconduct.

Currently, in 2019, the group has three primary focus areas in which agendas, community meetings and surveys are designed around:

- **Discretion:** Police officers are afforded an expanded interpretation of the word discretion due to the risks associated with performing their daily tasks. The work group is evaluating the training officers receive on the concept of discretion, particularly as it relates to use of force, arrests and interactions with the community with the goal of making recommendations to reduce risk of harm.
- **Training Evaluation:** As a result of policy updates, officers are now required to complete almost double the training previously mandated. With a significant increase in the amount of training, it is expected there would be some difficulty in retention and application of the material. The group is examining the effectiveness of the training from a perspective of retention, community expectations and application in daily interactions. At time of release, the CPC is seeking an outside consultant to help evaluate the existing training based on community input as well as recommend future adaptations to the community's needs.
- **Early Detection:** The Consent Decree mandates an effective tool to promote supervisory awareness and proactive identification of potentially problematic behavior of officers. The group is examining methods for ensuring this is broad in scope and takes into account many different warning signs beyond simply measuring complaints and discipline.

The Accountability Work Group is active and currently meets twice a month.

Alternative Dispute Resolution: Officer - Citizen Mediation Program Proposal

Under the umbrella of the Accountability Work Group, a special committee was formed in 2018 to explore an alternative to the current police discipline process for minor misconduct complaints. The group, led by Sgt. Richard Jackson, followed the established model of blending community members and subject matter experts with the purpose of developing a proposal for an Alternative Dispute Resolution (ADR) Mediation Program.

"Mediation" means any process in which a trained mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute. Mediation is a confidential and privileged process that does not deprive an officer or citizen of the right to request a formal investigation of the complaint at any point.

Mediation programs are utilized across the country and are often included in settlement agreements with the Department of Justice. The CPC's mediation program proposal was delivered to Cleveland City Officials, the Monitoring Team and the DOJ on Friday, June 7, 2019. **If adopted the proposal is expected to:**

- Bolster trust between the community and the police;
- Increase understanding of social issues between police officers and the citizens they serve;
- Compliment the goals of the Community and Problem-Oriented Policing Plan;
- Increase citizen confidence in the "system" and willingness to report a complaint;
- Increase morale of officers and overall satisfaction with the organizational justice system;
- Reduce the time between receipt and resolution without compromising integrity of the process;
- Increase quality of other "full" standard and complex misconduct investigations; and
- Reduce costs of ALL complaint resolutions.

The concept was well received by the parties. As a result, the Monitoring Team has brought in mediation experts to assist with the creation of a mediation program here. The City has tasked the administrator of the Office of Professional Standards to work with these experts on the creation of a local program.

The CPC will continue to provide updates to the community on this important work as new information becomes available.

Additional Policy, Advocacy & Issue Work

Equipment and Resources Plan Comments, 2016

In November 2016, the Cleveland Community Police Commission received the draft CDP Equipment and Resource Plan. The CPC solicited feedback in three ways: (1) by holding breakout sessions at its November 30th CPC Full Commission Meeting, (2) through a targeted email query to community organizations, and (3) from commissioners. Feedback was presented in seven pages of comments that focused heavily on the tenet that 21st century policing will benefit from technology provided, it is used in conjunction with defined policy framework and its purposes and goals are clearly delineated. The Equipment and Resources Plan was heavily criticized by the court and the press. Its approval was delayed for two years as it went through several drafts.

Policy Statement on Wearable Camera Sytems and Cleveland Division of Police, 2017

In 2017 the City, in solidarity with the police unions, petitioned Judge Solomon Oliver Jr. to not require officers to wear body cameras during secondary employment. The Commission responded with a public statement which strongly recommended if police are acting under the color of law, they should be held to the same standards of accountability as if they were on-duty. That includes: police-issued body cameras being worn and used per division policy, requiring officers to disclose their badge number and maintain division expectations of professionalism in action, language and demeanor and camera footage being available for both internal civilian and criminal investigations into police conduct.

Cameras are currently not required and the Commission remains committed to pursue a wearable camera system policy and off duty employment policy that comports with best practices and nationwide standards.

Recruitment and Hiring Plan Comments, 2018

Throughout community forums, the public cried out for better and more specific recruitment standards to align with CDP's Settlement Agreement mandates. Commissioner Richard Knoth forwarded some recommendations for consideration in the 2018 Public Safety Recruitment and Hiring Plan which was released in conjunction with the Division's CPOP plan.

His top recommendations included raising the bar on minimum educational requirements with the goal of enhancing educational backgrounds of all recruits, utilization of a broader national recruiting model, providing incentives to recruits from outside the area to ultimately live in the city and specifically targeting individuals with social work backgrounds similar to other nationwide models.

Staffing and Resources Plan Recommendations, 2018

In the same 2018 review cycle as the CPOP plan and the Recruitment and Hiring Plan, the CPC was also provided the Division's staffing plan. Again, Commissioner Richard Knoth conducted brief review sessions with focus groups and the public. The comments and recommendations made were highly critical and included: A recommendation that the Division seek outside organizational consultants to help ensure that deployment models selected as the driving force for justification of resources are based on good science, unbiased analysis and nationwide best practices; a recommendation to increase staffing in clearly deficent areas such as homicide and sex crimes, and questioned the validity of data utilized in the models proposed. The Commission plans to follow up on concerns raised in future work.

Mental Health Advisory Committee Representation

The Settlement Agreement mandated the development of a Mental Health Response Advisory Committee (MHRAC). In 2015 the City of Cleveland selected the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Cuyahoga County to establish the MHRAC. Dr. Kathy Clegg has served as the CPC liaison to the MHRAC and provides updates to the CPC on its work, reports, and recommendations to the public and the CPC. MHRAC has been responsible for the creation of the Crisis Intervention Training approved by the court. Additional details can be found in the MHRAC annual reports.

Training Review Committee Representation

The Training Review Committee (TRC) includes CDP academy staff, district training coordinators, union representatives and representatives of the CPC. Their purpose is to review and improve training in order to ensure that all officers receive adequate training to understand: (a) how to police effectively and safely in accordance with CDP policy, (b) the requirements of the Settlement Agreement, Ohio law, the Constitution and laws of the United States, (c) training reflects a commitment to procedural justice, is bias-free, and reflects community values.

Commissioners who have served on the TRC include Mario Clopton-Zymler, Dr. Kathy Clegg and LaToya Logan. Through their work on the TRC the Commission played a role in selecting the vendor for the learning management system that the Division utilizes for delivery of computer based training.

Community Relations Board Representation

The Consent Decree calls for a member of the Commission to attend meetings and to "receive relevant information and reports from the Community Relations Board" (CRB). Commissioner Mario Clopton-Zylmer has served as the designated liaison between CRB and the CPC.

Regional NACOLE Conference

The CPC's overarching mandate and recommendations for police reform are set to reflect the values, experiences and concerns of the community beyond the life of the Consent Decree. A critical facet of a well-founded effort to strengthen the relationship between police and communities is to build public trust, all while promoting effective policing. Relationship building is one of the main mechanisms proven to ensure sustainable reforms.

The Cleveland community, with the leadership of the CPC, was awarded a one-day NACOLE Regional Training Friday, November 30, 2018. The training moved community members closer to their goal of fully stepping into their role as co-creators of a 21st century policing methodology. More than 75 Clevelanders attended and participated in the following workshops and networking events:

- A Trauma-Informed Approach to Policing
- Engaging Youth and Law Enforcement
- Implicit Bias Workshop
- Understanding An inquest: The process of investigating a police shooting
- Life After the Consent Decree

Hiring and Selction Process for Key Consent Decree Positions

The CPC helped shape the job description of the Inspector General via recommendations. It also worked to involve the community in the hiring process for both the Superintendent of Internal Affairs and the Administrator of the Office of Professional Standards. A candidate meet and greet panel discussion was hosted by the CPC for the OPS Administrator.

Community Engagement Assessment Plan

The Community Engagement Assessment Plan is an effort spanning several years to devise a data driven method for analyzing the effectiveness of CDP's community engagement efforts. The capturing of community member concerns, experiences, values and issues related to successful implementation of the initiatives is an important measure of the successes of the Consent Decree. The Commission submitted an initial draft of the plan in late 2017 and it is undergoing revisions in 2019 as a result of the new Community and Problem-Oriented Policing Plan.

Organizational Development (CPC)

It is important to note that the initial members of the CPC worked for over two years with no full time staff support. While the Cleveland Foundation generously provided some personnel support, the volunteer commissioners still carried the burden of both the policy work and the work of establishing themselves as an entity. The latter included crafting brochures, designing business cards, establishing by-laws, developing a mission statement and general promotion of the CPC.

In mid 2017, the CPC began adding full time staff support. A consultant was hired to help the CPC optimize its talent and time, integrate with staff, and increase organizational impact. Many of the recommendations of the consultant were formally adopted in 2019.

CPC Reports, Meetings & Events Overview

By the Numbers

21

Town halls, forums, and seminars concerning a wide range of issues, including:

- Bias-free policing
- Community & Problem-Oriented Policing (CPOP)
- The Consent Decree & the LGBTQ community
- Policing in Hough
- Young People & the Settlement Agreement
- Homelessness
- Search and Seizure
- Police mini-stations
- Police accountability
- Mental health & Crisis Intervention

60

The Cleveland CPC had more than 60 work group meetings since 2017

Led by CPC Commissioners, work groups focus on creating recommendations for community driven solutions to problems identified in the Consent Decree.

39

Full Commission meetings since October 2015

The function of full CPC meetings is to connect the public to the work of the Commission - through presenting the progress of the Consent Decree guidelines, news and community events.

12

CPC Book Club meetings across the City

This book club created a space for candid conversations about issues facing Cleveland today - relating the topics covered in the books to the issues addressed in the Consent Decree.

800

Over 800 people have participated in CPC events and initiatives since 2015

Events include work groups and open forums. The attendance for larger community events averaged 100+ attendees.

500

Over 500 responses to CPC Surveys

Respondents are from every ward and neighborhood in the City of Cleveland.

What's Next

October of 2019 will be the start of a new four year term for the Commission's 10 civilian commissioners. A re-commitment to the current projects, vision and strategic plan would include continuing the following work:

- Creation of a Youth Interaction Policy for the Cleveland Division of Police
- Creation of a Gender Equality Policy for the Cleveland Division of Police
- Evaluating current discipline practices and updating recommendations on improving the discipline policy and matrix
- Developing and implementing a local know your rights/search and seizure education campaign
- Recommending improvements in the existing oversight, audit and accountability system with the purpose of ensuring lasting reform

The future of the Commission and its goal of achieving positive, citizen-driven reform of policing in Cleveland depends on the support of the entire Cleveland community. **How to have your voice be heard in the reform process:**

Get Involved

- Attend CPC community meetings and volunteer in work groups. A calendar of events can be found on our website: **clecpc.org**
- Attend district policing committee meetings to get to know your district's officers and to talk about local crime and safety issues.
- Write your councilperson about the need to create a plan for long-term and independent community oversight of the Cleveland Division of Police.
- VOTE! Elect candidates that speak up on the issues of police accountability and reform.

Join the Conversation

Facebook: facebook.com/216cpc

Twitter: twitter.com/216cpc

YouTube: bit.ly/216cpc-youtube

Visit our website at: www.clecpc.org

Thank You!

The Cleveland Community Police Commission is grateful to our dedicated partners who have enhanced our engagement efforts and work products over the past four years. Our success would not have been possible without the generous donations of talent, knowledge, facilities and time from these organizations and individuals.

Organizations

100 Black Men of Greater Cleveland, Inc.
ACLU of Ohio
Antioch Baptist Church
Black Lives Matter Cleveland
Black Man's Army Cleveland
Black on Black Crime, Inc.
The Black Shield Police Association
Boys and Girls Club of Cleveland
Burton, Bell, Carr Development, Inc.
CAIR Cleveland
The Carl Stokes Brigade
Case Western Reserve University School of Law
Case Western Reserve University Shubert Center for Childhood Studies
Case Western Reserve University Social Justice Institute
Catholic Diocese of Cleveland
Centers for Families and Children
The City Mission Cleveland
Cleveland Burke Lakefront Airport
Cleveland Community Relations Board
Cleveland Council on World Affairs
Cleveland Division of Police
Cleveland Division of Recreation
The Cleveland Foundation
Cleveland Job Corps
Cleveland Mediation Center
Cleveland Metropolitan School District
Cleveland Peacemakers Alliance
Cleveland Police Foundation
The Cleveland Police Monitoring Team
The Cleveland Police Patrolmen's Association
Cleveland Public Library
Cleveland Rape Crisis Center
The Cleveland-Marshall College of Law
Cuyahoga County Domestic Relations Court, Mediation Dept.
Cuyahoga County Public Defender's Office
Cuyahoga Metropolitan Housing Authority
The Diversity Center of Northeast Ohio
Empowering Youth Exploring Justice
Equality Ohio
Fairhill Partners
The Fraternal Order of Police
League of Women's Voters Cleveland
The Legal Aid Society of Cleveland
LGBT Center of Greater Cleveland
Lutheran Metropolitan Ministry
Maxine Goodman Levin College of Urban Affairs
Mental Health Response Advisory Committee
NAACP Cleveland
NAACP Euclid
NACOLE
Norma Herr Women's Center
Northeast Ohio Black Health Coalition
Ohio Immigrant Alliance
Ohio Student Association
Police Executive Research Forum
Rainey Institute
Showing Up for Racial Justice (SURJ) of Northeast Ohio
SPACES Gallery
St. John AME Church
St. Martin de Porres High School
Strategic Applications International (SAI)
Strategies for Youth
TransOhio
Trinity Episcopal Cathedral
TV20 Cleveland
U.S. Department of Justice
The Union Club Cleveland
The Word Church

Individual Contributors to Commission Work Projects

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Peter Whitt
Dr. Zachary Williams
Prof. Jonathan Witmer-Rich
Councilman Matt Zone

And **THANK YOU** to the hundreds of citizens that attended the dozens of community meetings whose names have not been included. Your stories and comments are appreciated!

Notes

"The Commission retains the ability to become the experts and authority on substantive police issues in a way that can bridge divides and lead the community toward productive conversations and debates."

- Cleveland Police Monitoring Team

Cleveland Community Police Commission

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