

**CLEVELAND COMMUNITY POLICE COMMISSION (CPC)**  
**JERRY SUE THORNTON CENTER**  
**TRI-C**  
**MEETING MINUTES**  
**JANUARY 24, 2017**

**ATTENDEES:** Commissioners: Kathleen Clegg; Mario Clopton-Zymler; Lee Fisher; Gordon Friedman; Lynn Hampton; Amanda King; LaToya Logan; Dylan Sellers; Rhonda Williams

Staff: Katie Brennan, The Cleveland Foundation; Peter Whitt, Enlightenment Consultant Group

**EXCUSED ABSENCES:** Yvonne Conner

Mr. Clopton-Zymler called the meeting to order at 6:06 pm.

**OVERVIEW OF MEETING AGENDA**

Mr. Clopton-Zymler reviewed the evening's agenda and meeting structure and flow.

**CO-CHAIRS REPORT**

*Upcoming PPA & Full Commission Meeting Schedule:*

Dr. Williams noted that all meetings will be held on Tuesdays. These will be listed online. PPA meetings are for commissioners only, while full Commission and work group meetings are for the public.

Full Commission meeting dates (4<sup>th</sup> Tuesday of each month):

- Tuesday, February 28
- Tuesday, March 28
- Tuesday, April 25
- Tuesday, May 23
- Tuesday, June 27
- Tuesday, July 25
- Tuesday, August 22

PPA Meeting dates (2<sup>nd</sup> Tuesday of each month):

- Tuesday, February 14
- Tuesday, March 14
- Tuesday, April 11
- Tuesday, May 9
- Tuesday, June 13
- Tuesday, July 11
- Tuesday, August 8

*Acknowledge CPC-CWRU Law School Clinic Collaboration:*

Mr. Clopton-Zymler explained the Case Western Reserve University Law Clinic's role in comparing the CPC's recommendations and the CDP's final policies for use of force GPOs. He expressed appreciation for their work. He asked the members of the clinic to rise.

*Community Engagement Assessment Draft Plan:*

Mr. Clopton-Zymler said the CPC received feedback for the assessment in December and have an upcoming due date for revisions. He proposed that the CPC file an extension in order to produce the best possible work product. Barry Friedman of the Policing Project has been in contact with the co-chairs and offered advice to collaborate with other stakeholders to find best practices among the limited models of community engagement assessments currently available.

**COMMUNITY ENGAGEMENT AND OUTREACH COMMITTEE**

*13<sup>th</sup> Documentary Co-Sponsored Event and Next Viewing:*

Mr. Sellers noted Rev. Conner has been setting up 2017's Town Hall meetings. The showing of 13<sup>th</sup> with SURJ was well-attended and concluded with a successful discussion. This is the direction the CPC wants to go with community outreach. At the January screening, the CPC provided the community with meeting dates. The CPC thanked SURJ for their work in organizing the screening. In April, the CPC will be having another showing of 13<sup>th</sup>. More information is forthcoming.

*February 14<sup>th</sup> Town Hall with "Shooting without Bullets":*

Ms. King introduced the February Town Hall. The CPC, Golden Ciphers, and Shooting without Bullets (SWB) will be holding a Day of Justice on February 14<sup>th</sup> from 9am-1pm at the East Cleveland Public Library. The event will include three sections: 1) young people exhibiting their artwork and engaging with community members to explain how their images relate to police reform; 2) demystifying the consent decree by translating key elements of the document into youth-friendly language; and 3) engaging young minds with a panel of artists, activists, and educators discussing how to collect information from young people regarding encounters with police by the alternative means of art.

Ms. King gave a bit of background about SWB's origins. A member of the Monitoring Team asked if Ms. King needed more funding for SWB and suggested community foundations. Ms. King stated that most of their assistance came from community donations and people buying artwork.

**BUDGET, IT, AND INFRASTRUCTURE COMMITTEE**

*Executive Director Search Update:*

Ms. Brennan announced that the final four Executive Director candidates partook in public presentations the previous day. The finalists will be interviewing with the full Commission on Wednesday, February 1<sup>st</sup> and the full Commission will vote on the decision the week of February 6<sup>th</sup>. Ms. Brennan noted that the commissioners and members of the public who were in attendance of the presentations expressed that they were very impressed by this group of finalists.

Ms. Brennan announced that, in the Community Engagement Coordinator search, the CPC had received about 350 applications to date. Applications will close Friday, January 27<sup>th</sup>, at which point the applications will be sent to the committee for review. The search committee will be adding three new members to the process.

A commissioner suggested that both Community Engagement Coordinators be hired at the same time. He said that 2017 will be a good year for community engagement and it might be useful to have both positions hired. Another commissioner suggested this be discussed within the committee.

#### *2017 Budget Approval:*

The CPC's budget was submitted to the City in the fall. Once it has been approved, it will be part of the City's Budget Book. Co-chairs will defend it to City Council, likely in February.

Dr. Clegg moved to approve 2017 budget, Mr. Friedman seconded. This was approved by all commissioners present and passed.

#### *Revised Draft of By-Laws:*

In response to the CPC's structure letter addressing the consent decree, commissioners' appointment processes, attendance, and issues between commissioners, Judge Oliver suggested the CPC work on its by-laws to ensure that attendance expectations are made clear. The Monitoring Team offered to provide some language for these by-laws.

#### Proposed Revisions:

##### Article I: Expectations

##### Addition: #2 attendance and absenteeism

- A commissioner voiced concern that there was no consequence for chronic absenteeism within this section of Article I. Another commissioner suggested some language from the Resignations and Removals section be included in #2.
- A commissioner pointed out that PPA meetings need to be included in this policy—commissioners cannot miss four full commission meetings or four PPA meetings.
- Commissioners discussed that part of the by-law be that commissioners cannot miss ¼ of the meetings in a 6-month period rather than 1/3 of meetings in a year.
- A commissioner voiced that too much emphasis was being placed on attendance and that more than just attendance matters.
- A commissioner suggested that commissioners who miss a meeting for whatever reason be required to participate in some action (e.g. commenting on minutes). Another commissioner suggested that it might be best if this is not placed within the official by-laws and that by participating in such actions, commissioners are not excusing their absence.
- Former language of "excused" and "unexcused" absences will be changed to "notified" and "not notified," respectively.
- Commissioners agreed that language regarding Committee/Work Group membership be added to this Article's language.

##### Addition: #4 implementing reform efforts in decision-making

- A commissioner suggested that "decision-making" come before "implementation" in the wording of this section in order to follow the progression of the process.

##### Addition: #6 Committee/Work Group membership

- A commissioner suggested this section be updated based on language presented in the Recommitment Grid.
- It was suggested that this section should specify that the requirement of membership on "at least one Committee" is in addition to PPA membership (as it is a Committee of the whole).

## Article I: Resignations and Removals

### Section renaming: "Resignations" to "Resignations and Removals"

- A commissioner suggested that resignations and removals be put into separate sections.
- A commissioner reminded the rest of the commission that the CPC can only *recommend* removal; the City handles the rest of the process.

### Addition: Language in this section

- A commissioner suggested clarifying that the "policy as detailed above" explicitly state Article 1, #2.
- A commissioner suggested changing "adhere to Attendance policy" to "adhere to expectations" to broaden the scope of what is being covered.

Mr. Clopton-Zymler will edit the by-laws per the discussion and send it out to the Commission for comments.

### *CPC Committee Work Assessment Grid:*

Dr. Williams introduced the work grid and described each section. She explained that it had been filled out based on recommitment letters/emails and will be used to hold commissioners more accountable. She opened the floor to commissioners to comment.

- A commissioner asked about the purpose behind the new search and seizure Work Group. Dr. Williams answered that was so the CPC could begin research, understand best practices, get feedback from the public at the front end of the process, etc. This would be similar to other Work Groups (such as use of force). The timing of the work group's creation will correspond to its position on the Monitor's plan (yet to be released).
- A commissioner asked whether "search and seizure" and "stop and frisk" were considered the same in the eyes of the CPC. Another commissioner noted that the exact title and focus of this Work Group can be discussed once the group has been created.

Dr. Williams also noted that the CPC will be hiring an organizational consultant to see what is working and how the CPC can more effectively function in the future. She asked if those who had not signed up for work groups sign up for them before the end of the meeting. The co-chairs read the commissioner responsibilities located on the back of the commissioners' handouts.

## **COMMUNITY ENGAGEMENT DRAFT SPRING PLAN 2017**

### *Nonny Onyekweli and Ruby Nidiry, The Monitoring Team:*

Ms. Onyekweli and Ms. Nidiry of the Policing Project introduced themselves to the community. Present members of the Monitoring Team (Charles See, Tim Tramble, and Victor Ruiz) also introduced themselves.

Ms. Onyekweli gave background information in the creation of the Community Engagement Draft in order to create the required Community and Problem-Oriented Policing plan for the CDP. The stakeholders' goal is to get community input on the plan from the beginning through the following approaches:

- Front-end community participation in events specifically designed to gather input including two large in-person forums, community group meetings, CPC meetings, online surveys, etc.
- Participating in stakeholder networks to get as many people involved as possible
- All mass-solicitation be streamlined with all stakeholders working together

The Policing Project, in conjunction with the Monitoring Team, created a draft of this plan and are now seeking community feedback.

The draft plan includes two cycles of substantive community engagement/feedback:

- Broad base community solicitation in order to draft a plan
- Community input/editing suggestions following CDP release of its draft Community and Problem-Oriented Policing Plan

This plan also covers the Bias-Free Policing Policy, which has already been drafted by the CDP. Community will provide feedback on this policy at the same meetings in which they provide Community and Problem-Oriented Policing Policy suggestions.

*Commissioner Questions:*

Mr. Whitt asked if the commissioners had any questions.

**Question:** Have you heard anything regarding the role of the new Department of Justice?

**Answer:** The current DOJ is supportive of this process, but the Policing Project does not know about the new administration's DOJ. The Monitoring Team anticipates vigorously sticking to fulfilling the consent decree's mandates under the federal district judge. The DOJ does not play a large role in this specific plan—this is mainly about listening to the community.

**Question:** In terms of bias-free policing, when will the CPC receive the actual draft policy? The CPC might want to compare its recommendations to the draft policy—as well as get community feedback.

**Answer:** None of the present Monitoring Team members had seen it yet and were unsure when it would be released. They promised to follow up with the CDP to get information on when these finalized drafts will be out.

**Question:** How will both Community and Problem-Oriented Policing and Bias-Free Policing be handled together in community meetings?

**Answer:** The Policing Project and Monitoring Team are currently figuring out these details, particularly for the two city-wide forums. They plan to have an overview presentation at the beginning of these forums and then have different break-out groups deal with different components. Bias-Free Policing will also be handled differently than Community and Problem-Oriented Policing, as they are at different stages in their processes. They asked the CPC to submit any suggestions to them.

**Commissioner Suggestion:** Bias-Free and Community and Problem-Oriented Policing should be integrated together and there should be one round that includes discussion of both.

**Question:** When is the deadline for recommendations?

**Answer:** This cycle ends in November 2017, but the Policing Project accepts feedback on a rolling basis, though they would prefer input as soon as possible. Any feedback about actual plans should be in well before February 1<sup>st</sup>.

**Question:** The draft states that significant fundraising is needed for the America Speaks program?

**Answer:** Inclusion of the America Speaks program is currently aspirational. It would cost at least \$350,000 because it is very in-depth, but it is a well-established and credible way of getting input on complicated public questions. The Monitoring Team is trying to bring this level of commitment to the

reform process.

**Commissioner Comment:** The Gund Foundation led an effort that was connected to America Speaks in the past number of years.

*Community Questions:*

Mr. Whitt asked if the community had any questions.

**Question:** Who speaks for the police department on these policies?

**Answer:** Officer Johnson is writing this policy, the City works directly with police, and Chief Williams has agreed to this.

**Question:** These meetings must be available for people whose first language is not English—this includes Spanish, Cantonese, Arabic, Polish, etc.

**Answer:** The Monitoring Team reassured the community that this access was something they were focused on.

**Question:** Has this process been used in other cities and has it been successful?

**Answer:** The Policing Project has done work in various cities around the country, but this kind of community engagement about actual policing practice and policy is uncommon in the US, though it has been done abroad. The Policing Project has done this on a smaller scale on other policies (such as body worn cameras)—using smaller, but similar forums. Cleveland’s innovative approach to community forums (such as those for use of force), is already being emulated around the country.

**Question:** How can we replicate the America Speaks program in the future without having to invest so much money again?

**Answer:** Community surveys will address what measures need to be in place in the future in order to continue community participation in police policy. The findings of these materials will help the CDP know how best to interact with the public. The Commission will be hiring two Community Engagement Coordinators and the Monitoring Team already has four people in this position.

**Question:** Do you have a new due date for the plan?

**Answer:** Currently the date on the plan is set for November 2017. The CDP will be drafting a plan during a large portion of that time. Also during this time frame, the Policing Project hopes to gather feedback from thousands of people in Cleveland.

**Question:** The community leaders should be contributing information to these policies rather than the police. Community members should be on the committee, rather than the police department.

**Answer:** The whole first phase of this plan is community input which does not involve the police.

**PUBLIC COMMENT PERIOD**

Mr. Whitt reviewed the public comment period ground rules.

**By-Laws—Attendance:**

- A community member asked whether attending only part of a meeting (e.g. coming late or leaving early) counted as missing a meeting. This person suggested the by-laws be revised to

include language related to this.

- An individual asked how much notice a commissioner needed to give in order to count as excused for a meeting.
- A member of the public suggested that there should be some provisions for extraordinary circumstances, such as illness, particularly for commissioners over the age of 60. The Commission responded that there is already a clause in the by-laws that addresses this. Commissioners can leave for up to a month due to extraordinary circumstances.

#### By-Laws—Removal:

- A community member asked: Is the Mayor the sole authority in removing commissioners? If each commissioner represents a group, if that person is gone, that group might not be adequately represented. The Commission responded: The CPC has been asking this for quite some time. They will continue to ask whether the Mayor will respect the CPC's request for removal.
- A community member wanted to know why the Mayor was the only authority on commissioner removal.
- An individual asked why City Council has a way to remove members when the CPC does not.
- A community member submitted the following over email: After last night's meeting I thought about the discussion regarding the by-laws and the removal process. Judge Oliver will not intervene and directed the Commission to handle it through the establishment of an internal procedure. It appears that the Commission has done so. It's now up to the Commission to use the power of the by-laws and remove a commissioner for cause and let the removed person appeal the decision should they decide to do so. The section that defines the removal process needs to strike the language referring to the Mayor as the final authority in the matter.
- The commissioners had a discussion regarding attendance requirements. One member suggested that attendance should not be included in the by-laws, as the CPC is voluntary. Further, if the Commission does not have removal power, commissioners questioned the point of emphasizing attendance as a condition for removal. It was pointed out that the structure letter covered issues beyond attendance and was written in order to give accountability to commissioners and establish fair standards. Another commissioner noted that nothing came of the structure letter and that, if the CPC wants commissioners to be removed, they must come up with another way.

#### Community Outreach:

- An individual suggested that the CPC contact Peace in the Hood as a community outreach ally. This group combats neighborhood violence by working with gang members.
- Following up on her point during the question and answer period, a member of the public explained that a community leader is someone who is familiar with the community and someone people in the area look up to.

#### Current Events:

- A member of the Monitoring Team mentioned that a police officer had been killed earlier that day, so the community should keep him and his family in their prayers.
- A community member prepared a sympathy card for the policing following the death of Officer Fahey. It was passed around the room for signatures and Det. Hampton agreed to give it to Chief Williams.

Day of Justice:

- A member of the public suggested that the Day of Justice can be used to reach out to people who don't/can't read to discuss serious issues in the community.

The meeting was adjourned at 8:16 pm.