ATTENDEES:  Commissioners:  Kathleen Clegg, Lee Fisher, Deirdre Jones, Lynn Hampton, Rhonda Y. Williams  
Staff:  Deidra Gill, Community Relations Board

ABSENCES:  Anthony Body, Mario Clopton, Yvonne Conner, Amanda King, Steve Loomis, Dylan Sellers

The meeting was called to order at 6 p.m. Dr. Williams was the only commissioner present at this time.

Dr. Williams presided.

Welcome & Overview of Commission Meeting Structure and Flow
Dr. Williams welcomes the attendees. She provides an overview of meeting structure and flow, and disseminates the handout describing the latter, as well as the public comment period Ground Rules, as shared at the April 19th Full Commission meeting.

Co-Chairs Report
Dr. Williams delivered the Co-Chairs Report. (See report in italics below entered into the record as written and read.)

I.  CCPC Training – Police Basics 101

II.  Monthly Monitor & Parties Meeting
   A.  PRB/OPS Ordinance Update
     1.  At our monthly meeting, we the Police Review Board/Office of Professional Standards Charter Amendment Process, as well as shared feedback that the CCPC received from the City, Department of Justice, and past and current leadership of NACOLE.
     2.  Right now the City’s position is to focus on Section 115-2, which deals with the membership of the Police Review Board. The CCPC continues to express its desire to have a more a holistic approach, in order to better frame or scaffold the work of the Office of Professional Standards and the Police Review Board, including their internal operations manual.
     3.  There has been an extension filed by OPS to complete its internal operations manual.
     4.  With regard to the charter amendment, the aim is to have the ordinance on the November ballot.
5. In order for this to happen, it must be introduced for first reading in June, because of the Summer City Council schedule.
6. This means that we must have comments to Councilperson Zone by May 23rd in order to meet this deadline, as well as initiate the council’s committee-based deliberative process.
7. This will include a MATRIX of the proposed changes.
8. So that’s the update. What does this mean for the work of the CCPC?
   a) The CCPC PRB/OPS Work Group will set up a meeting for as soon after May 9 as possible in order to discuss all the feedback we have received and then provide our next set of comments to Councilperson Zone.
9. I also want to propose that we make sure we have time on our May 11th Full Commission meeting to address the PRB/OPS Ordinance.

B. Facilitator
1. The CCPC will continue to move its process forward to secure a regular facilitator for its Full Commission and Town Hall meetings. We will work with City Council to get a better understanding of the time-line, and therefore deadline for moving the review, selection, and hiring process forward.

C. CCPC Vacancies
1. The City expects to have the Selection Panel reconstituted by the end of next week so that the process can begin to replace the two open civilian seats on the CCPC.
2. I emphasized that a public announcement and call be made for applications.
3. However, the Selection Panel will determine its own process. Charles See of the Monitor Team suggested that the CCPC could send the Selection Panel a letter and make a strong recommendation that a public call be made. I propose the CCPC draft such a letter. Volunteer? (If not, co-chairs or ask Sylvia if she can draft a letter for our review …)
4. I also asked that the CCPC be kept aware of the time-line and process so we can share this information on an on-going basis with the public either at meetings or through our website.

D. Use of Force Recommendations
1. I asked if we would be getting feedback on our Use of Force recommendations. This is not a formal part of the Monitor Plan, but Matthew Barge of the Monitor Team said he could provide us feedback on this set of recommendations, as well as other recommendations and written summaries that we turn in the future – even when that is not delineated formally in the Monitor Plan.
E. MHRAC Work Plan

1. The Mental Health Resource Advisory Committee Work Plan is being circulated for comments.

That concludes my highlights of the Monthly Monitor Meeting. Any questions or clarifications?

Policy and Procedure Assessment Committee Reports

Other commissioners begin to arrive to the meeting.

Bias-Free Policing Work Group Update
Kathy Clegg provided an update, given Lee Fisher had not yet arrived when the item arose on the agenda.

Use of Force Work Group -- Introduction and Break-Out Session
Dr. Williams provided some introductory comments regarding the Use of Force Investigation Policy Mandate (or “Use of Force II”) before the attendees went into break-out groups to identify and propose policy suggestions for the CPC’s upcoming work product. (The Introduction as provide is entered into the record as written and read. See Introduction in italics below.)

Introduction: Use of Force Investigations Policy

1. #47: A fundamental goal of the revised Use of Force Policy will be to account for, review, and investigate every reportable use of force and reduce any improper use of force.

2. According to the Monitor Plan, two kinds of policies are being sought, as well as related material for policy manuals that address:

   a. “Chain of command” policy (level 1 and level 2) – You can find this in Paragraphs 93-102 in your Consent Decree handout.

In these instances the supervisor is responsible for the investigation process. They respond to the scene, conducts interviews, ensures the receipt of medical attention if needed, identifies and collects all evidence to determine whether the use of force was consistent with policy, or whether the use of force raises any policy or training concerns. The supervisor is responsible for gathering all evidence that could establish the facts in the case, including finding and interviewing civilian witnesses. The supervisor must also ensure that all officers who witnessed the incident fill out a Use of Force report, and that they are interviewed separately.

Determinations of misconduct go to Internal Affairs, and then Internal Affairs determines whether to conduct or take over the investigation.
b. FIT investigations policy (level 3) – You can find this in Paragraphs 110-123.

The CDP can refer criminal investigations to an independent agency. In the case of deadly force, the investigations will go to the Sheriff’s Department. (This agreement is still being formalized, but it is imminent.)

The FIT team sits under Internal Affairs.

Those on the FIT Team, which is tailored for the specific investigation, includes FIT detectives, FIT sergeant, IA investigator, Homicide Unit supervisor. This team will also include an OPS investigator. This is the only “civilian” person designated for the team, and this person does not participate in the criminal investigation.

More details follow again in Paragraphs 110-123.

3. Also being considered are report forms, and “integrity safeguards” for Electronic Control Weapons or Tasers.

4. In Summary, then, the CCPC is charged with collecting the concerns, experiences and values related to the internal, administrative investigations and subsequent review of Use of Force.

5. What we would like to get from you tonight is your feedback on how Use of Force investigations should proceed, who should be involved, and what steps should be in place to govern investigation to reach that overall goal I started with, as indicated in #47 of the Consent Decree. What concerns, if any, do you have about the way it is set up now? What experiences can you share with regard to UoF that can help us illustrate – through examples – the concerns or suggestions you are raising?

Small Group Directions: Appx 5 people each. Commissioners and police personnel also will join a group. Each group will get a copy of the relevant Consent Decree paragraphs, the BlueTeam Worksheet, and the guidelines in the Monitor Plan. We’ll talk for about 30 minutes in our small groups. If you can identify one person as a note-taker and another person to report out. We’ll come back together and have each group share what they discussed. At the end we will collect the notes, so that they can be used to construct our written summary report. OUR REPORT IS DUE Monday, May 2. Any questions before we break into groups?

The break-out session was followed with report-outs by a representative from each group. A summary of the issues raised by each group follows:

**Group 1**

- Level 3: Can internal investigation be trusted? Feel that outside investigators need to be involved. FIT team should respond within 45 minutes and should include a number of civilians
- Level 1 and 2: Should include the threat of use of force as well and report made; should be a random, periodic review of Level 1 and 2 Use of Force by independent investigators
Group 2
- Mainly discussed what constitutes use of force.
- Group thought that any unholstering of a gun and pointing it at a person should require a supervisor's presence. Det. Hampton educated the group about new technology that can track when gun is unholstered.
- 137 shot incident-supervisors were clearly ineffective in that situation; they did not intervene
- Should verbal intimidation be considered use of force?
- Should be a clear process for citizens to report when they feel there has been a use of force
- Update psychological testing; weed out people who would be likely to get caught up in a power struggle or with ego issues
- Need more training on de-escalation
- Group discussed the recommendation that after a pursuit if an arrest needs to be made that it be done by another police officer if at all feasible, to avoid the impact of adrenaline on the part of the police officer involved in the chase, which could contribute to excessive use of force
- Group discussed the importance of narrative reporting to give context

Group 3
- Discussed what leads up to use of force, composition of the FIT team. Group thought it was problematic to have CDP officers at all; should bring in outside investigators. If a person dies a few days after the use of force, needs to be considered a death in the investigation
- Cmdr Heffernan added that the Sheriff's Dept is in conversation with the City to take over investigating deadly use of force
- Group discussed whether the Medical Examiner should be included on the FIT team
- Many assaults are permissible as Level 2 Use of Force, concerned about who is part of investigation. The group felt that the police union rep should not be present at the investigation; that is, the rep can be with the officer being investigated to offer support but should not have the opportunity to "piece together a story."
- Community member verbalized the importance of clear consequences when an officer violates the rules

Group 4
- Felt police should not be involved in use of force investigations; team should include citizens and community activists
- Need to utilize citizen's cameras; more cameras on street poles in city
- Better contracts with police union since that is often cited as the reason something is done or not done
- Officers should be suspended without pay when under investigation for excessive use of force
- Level 3 investigations should include independent investigator from area in which the incident occurred
- Indicate if a mental issue. An example was given of a young man who was treated as if he didn't have a problem and was beaten
Police should be trained in CPR and administer. Sgt. Jones indicated that is now the policy. Suggested that when police break a rule, it should be considered a criminal act.

Group 5

- Complaint process needs to be streamlined, complaints tracked electronically, civilians should take part in signing off
- Body cameras protect both the public and police officers
- Concern regarding pepper spray being used on someone with asthma. Police need training to recognize medical situations, consider some way to identify people with a medical issue at the RNC.

Budget, IT, and Infrastructure Committee

Agenda item was tabled.

Public Comment Period

The public comment period included the following comments and questions:

- Should there be a line of demarcation between an officer drawing a gun on a citizen versus already having gun drawn going into a situation like an abandoned building
- Officers need to be trained to recognize behavioral and medical crises
- Question about an off-duty cop breaking down a door at a personal residence, Sgt. Jones clarified that this would be inappropriate, differentiated this from police on duty coming to a residence to do a wellness check and might force entrance to make sure the resident is OK
- Community member expressed that he felt that there was no difference between a sheriff's office and the police doing an investigation. Need truly outside investigators
- Question about whether body cameras are being used. Answer given was yes.
- Comment that psychologists that police talk to after a use of force incident should be independent of City
- Who reviews body camera footage? Suggestion made that CCPC should be involved in this. An example was given of a girl who was charged with kicking a police officer, but when the footage was reviewed by a judge on the request of community activists, it was clear that her leg was hyperextended and the arc of her leg was not a natural kick, but rather that she had been thrown to the ground
- Request for explanation of levels of Use of force for community members to educate them. Felt the complexity of the issue is a barrier to community involvement; issue of providing a glossary of terms was discussed
- Suggestion that CCPC members should listen and make few comments during the Public Comment period. Also felt that some times the power dynamic of the police versus the community is used to, and/or results in the silencing of people
- Question raised about whether taxpayer money is used to cover individuals, and whether this ostensibly serves as a backlash or wa to undermine the consent decree? Reference made to an article in the Washington Post, "Cleveland's Vile Embarrassing Scheme to Avoid Paying Victims"
• Who reviews footage from body cameras?
• Will Brelo be allowed to return to the streets of Cleveland and carry a gun?
• Will trainer(s) involved in previous excessive use of force case be allowed to continue training?

Meeting adjourned. Failed to note time of adjournment.