Cleveland Community Police Commission

2016 Annual Report

September 2015-November 2016

Cleveland Community Police Commission

Website: www.clecpc.org
Email: info@clecpc.org
Twitter: @216CPC
Phone: 216-755-4CPC (4272)

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SECTION I

Message from the Commissioners

1. EXECUTIVE SUMMARY

The Cleveland Community Police Commission (CPC) is authorized under the Consent Decree between the City of Cleveland and the U.S. Department of Justice (DOJ). The Consent Decree mandates the implementation of reforms to the local police department to address a pattern and practice of excessive use of force and unconstitutional policing and to improve community-police relations and build trust.

Established September 8, 2015 with the appointment of thirteen volunteer Commissioners, the CPC gathers best practices and community input to ensure that the voices, values, experiences, and suggestions of community members help guide the reform process.

Much has happened between the swearing-in of the original thirteen Commissioners and the writing of this Annual Report. The Commissioners, both civilians and police, have used their unique skills and expertise to inform the drafting of policy recommendations and have served as representatives of the greater Cleveland community.

This is the CPC's first Annual Report. In it, we summarize completed projects and highlight in-process tasks through November 2016. We also offer a brief glimpse of what is ahead for the CPC in its second year of work and beyond. During our inaugural year, we have worked both to model transparency by holding public meetings across the City and to advance police reform in Cleveland by researching best practices in policing.

Commissioners have dedicated an extraordinary amount of energy and time to produce community-inflected, well-researched, and high-quality recommendations. A number of the CPC's recommendations have been incorporated while others lamentably have not. As the CPC moves into Year Two, Commissioners feel it is important to acknowledge its successes and recognize that there is still much work to be done with regard to advancing police reform.

In just over a year of existence, the Commission hosted over 70 meetings across the city in order to introduce itself to the public and create opportunities for community members to actively engage in and impact the Commission's work and the police reform process. The Commission agreed early in its development that public meetings are essential to gaining the trust of the public. As a result, the vast majority of Commission meetings are open to the public, including Full Commission, or business, meetings, which also feature a formal public comment period.

The Commission also holds other types of meetings, including Town Halls and Work Group meetings, to help educate the public and work on police reform issues, as well as to listen to community members. For instance, one of our first Town Halls was especially moving as young people at the Boys and Girls Club of Greater Cleveland expressed their ideas for change in the relationship with and observations of police. Hearing from community is critically important, and the Commission will continue to hold public meetings as well as seek new opportunities and implement new methods to expand its outreach and develop sustained community-based relationships.

In addition to its all-important mission of serving as a conduit for community input, the Commission is tasked by the Consent Decree to make recommendations regarding community-police relations and a variety of Cleveland Division of Police (CDP) policies. Once the Commission gathers community feedback in various ways, including through meetings, surveys, and partnerships with local organizations, policy recommendations are drafted, shared, revised, and submitted.

Helping to achieve meaningful, impactful, and long-lasting changes is of utmost importance to Commissioners. There are many Consent Decree mandates to be fulfilled, Cleveland Division of Police training to be implemented, and community-police relationships to be built and mended. While the Consent Decree is a multi-year document, the reforms and hopefully transformation of policing and civilian oversight practices in Cleveland is an ongoing effort that may take a generation to be fully realized. This effort requires persistent community engagement, vigilance, and commitment.

Developing and revising policies are necessary but not sufficient for substantive change. There must be implementation, enforcement, and accountability. Even then there are limits. The philosophy and culture of policing must also undergo a paradigm shift and be retained by all members—veteran and new—of the Cleveland Division of Police. Substantive, progressive reform requires an earnest and sustained effort by all parties to implement impactful change. Only then will the trust of aggrieved communities be restored.

2. SPECIAL RECOGNITION AND THANKS

Thank you to the people of Cleveland and various community organizations, too numerous to name here. We appreciate those who have partnered with the CPC by hosting meetings, planning Town Halls, and/or providing input, feedback, and alternative perspectives on matters of policy, procedure, and law.

The CPC would also like to acknowledge various representatives of the Parties who have provided information and/or input into the CPC's policy recommendations.

The CPC is also grateful to the Community Relations Board for staff assistance in the Commission's inaugural year. A special thank you goes to Deidra Gill and Sharyna Cloud for providing logistical support as well as preparing locations for CPC meetings and Town Halls.

Thank you to the CPC's liaisons from the City's Department of Finance, Monica Madej, Kevin Preslan, and André Reynolds, who helped with the preparation of the CPC's budget, as well as with posting CPC contracts and staff positions.

Thank you to The Cleveland Foundation for supporting the CPC's efforts both in resources and in personnel. A special thank you goes to Sylvia Pérez, who then served as the VP for Corporate Governance and Governmental & International Affairs, for working with the CPC since its inception, and Katie Brennan, who as a Cleveland Foundation Public Service Fellow has provided critical staff support to the CPC.

Lastly, thank you to Matthew Barge, Ayesha Bell Hardaway, Charles See, Tim Tramble, and the other members of the Cleveland Police Monitoring Team. They have provided counsel on organizational concerns, infrastructure issues, community input, and policy questions. The Monitoring Team has been a consistent advocate for including the CPC in a substantive way as a legitimate and necessary partner in this reform process, and for that, the CPC is incredibly grateful.

Sincerely,

The Cleveland Community Police Commission

CPC PREAMBLE

Guided by the Consent Decree, which seeks to remedy a pattern and practice of excessive use of force and other interventions by the CDP, the Cleveland Community Police Commission (CPC) understands that realizing success and legitimacy in the eyes of the public means that its work must be independent, collaborative, and transparent, and its decision-making informed by best practices and community perspectives.

CPC MISSION

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.

SECTION II

Introduction

1. ABOUT THE CPC

The shooting deaths of Malissa Williams and Timothy Russell in a hail of at least 137 bullets fired by thirteen police officers in November 2012, as well as other use of force incidents, ignited public concern regarding the excessive use of force by the Cleveland Division of Police. The NAACP, American Civil Liberties Union (ACLU), faith-based leaders, and other civil rights and civil liberties organizations requested that the Department of Justice investigate the practices of the Cleveland Division of Police. On December 27, 2012, Cleveland Mayor Frank G. Jackson also publicly requested that the Civil Rights Division of the DOJ review the CDP's use of force policies.

Approximately three months later, the DOJ launched what would become an almost two-year federal investigation of the CDP—the second such investigation of the police department in a decade. On December 4, 2014, the DOJ released its investigative findings report, which concluded that the CDP had engaged in a pattern and practice of excessive use of force in violation of the Fourth Amendment of the U.S. Constitution. The many underlying defects in police practice were exacerbated by Cleveland communities' lack of trust and confidence in their city's policing.

In May 2015, after six months of negotiations, the City of Cleveland and the U.S. Department of Justice entered into a Consent Decree to reform structural and systemic deficiencies in the Cleveland Division of Police.

The CPC was created through the Consent Decree 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."[1] As mandated in the Consent Decree, the CPC is comprised of ten individuals who either live or work in the City of Cleveland and represent at least one of the following eight categories:

1. Faith-based organizations
2. Civil rights advocates
3. Business/philanthropic community
4. Organizations representing communities of color
5. Advocacy organizations
6. Youth or student organizations
7. Academia
8. Individuals with expertise in the challenges facing people with mental illness or the homeless

The ten civilian Commissioners were vetted and recommended by the CPC Selection Panel, a formal body established by the Consent Decree[2]. The CPC also includes one representative from each of the following police associations: the Black Shield, the Fraternal Order of Police (FOP), and the Cleveland Police Patrolmen's Association (CPPA).

In total, the CPC consists of thirteen members who were appointed and sworn in by Mayor Jackson on September 8, 2015.

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[1] Consent Decree Paragraph 15, available at http://cleconsentdecree.com/

[2] Consent Decree Paragraph 16

2. MEMBERS OF THE CLEVELAND COMMUNITY POLICE COMMISSION

(as of November 2016)

Mr. Anthony Body

Anthony works as a Good Neighbor Ambassador Supervisor for the Northeast Ohio Regional Sewer District. He earned a Bachelor of Arts in Business from Malone University. Anthony has worked in various capacities as a community organizer in the Glenville neighborhood and throughout Cleveland. Anthony's love for Cleveland has shaped his professional career and everyday life. As he continues is efforts to be a change agent in Cleveland, he's currently pursuing a Master of Public Administration from Cleveland State University.

Dr. Kathleen A. Clegg

Kathleen A. Clegg, MD, is Director of Public and Community Psychiatry and Director of Medical Student Education at University Hospitals Case Medical Center Department of Psychiatry, and an Associate Professor of Psychiatry at Case Western Reserve University School of Medicine. Dr. Clegg brings her expertise in working with individuals and families dealing with mental health and addiction issues, as well as knowledge of mental health and addiction provider agencies, to the work of the Cleveland Community Police Commission (CCPC). She serves as the liaison between the Police Commission and the members of the Mental Health Advisory Committee.

Mr. Mario M. Clopton-Zymler, Co-Chair

Mario serves as Director of Choirs at Shaker Heights High School. He earned his Bachelor of Music with Honors from Capital University in Columbus, Ohio and his Master of Music from California State University—Los Angeles. "I look forward to bringing a perspective to the Commission that encompasses all of my experiences as a member of different intersecting, marginalized groups. I intend on assuring that the LGBTQ+ community, in particular, LGBTQ+ people of color, is represented in a meaningful way that ensures free and respectful exercise of citizens' gender expression, gender identity, and sexual orientation."

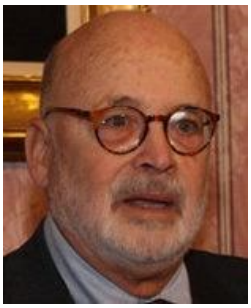
Rev. Dr. V. Yvonne Conner

Rev. Dr. V. Yvonne Conner is a Field Education instructor at the Methodist Theological Seminary of Ohio in Delaware, OH and a Reading Intervention/Reading Recovery long term substitute teacher with Cleveland Metropolitan School District. She is founder and a member of the Board of Directors of Enhancement Ministries, Inc. (EMI). Dr. Conner is an active member of the Greater Cleveland Congregations (GCC) where she worked extensively on GCC listening sessions and research teams to develop recommendations for the consent decree. Yvonne brings a combined 35 year corporate, nonprofit, and faith -based career and a variety of life experiences to the Cleveland Community Police Commission alongside her academic training. Dr. Conner earned an undergraduate degree in Applied Science, graduate degree in Management and a Doctorate in Educational Leadership while living in the Battle Creek/Kalamazoo, MI area and a Master of Divinity from the Methodist Theological School of Ohio.

Mr. Lee Fisher

Lee is Interim Dean of Cleveland-Marshall College of Law. He is a Senior Fellow at Cleveland State University's Levin College of Urban Affairs, and an Urban Scholar at the College of Urban Planning and Public Affairs at the University of Illinois, Chicago. Lee has served as President and CEO of CEOs for Cities (where he is now a Senior Advisor), Ohio Lt. Governor; Director, Ohio Department of Development; Chair, Ohio Third Frontier Commission; Ohio Attorney General; State Senator; State Representative; President/CEO, Center for Families and Children, and Partner, Hahn, Loeser & Parks. As a State Senator, Lee was the author of Ohio's hate crime law, and as Attorney General, he successfully defended the hate crime law's constitutionality before the Ohio Supreme Court. As Attorney General, Lee also led the successful effort to make Ohio the first state in the nation to require all new police recruits to undergo a minimum of 24 hours of cultural and racial diversity training, and sponsored the first-ever statewide Multi-Cultural Law Enforcement Conference to focus on the public safety issues and concerns of minorities.

Mr. Gordon Friedman



Mr. Friedman is a criminal defense and civil rights attorney. He was the founding Executive Director of the Free Clinic and is an Adjunct Professor of Law at Cleveland Marshall Law School. He serves on the Public Defender Commission and has been actively engaged in the community throughout his career.

Det. Lynn Hampton

Detective Lynn Hampton serves as President of the Black Shield Association and within the Cleveland Division of Police, Personnel Department.

Sgt. Deirdre Jones

Deirdre Jones is a Sergeant with the Cleveland Division of Police and is the first African-American female to supervise its Homicide Unit. She is a state certified domestic violence (DV) instructor and a federally certified DV instructor-trainer through the Department of Homeland Security. She is a facilitator and coordinator of DV workshops and discussion forums, teaches locally and nationally on domestic violence-related topics, and advocated for the Division's Domestic Violence Unit to be the primary investigator of Lesbian, Gay, Bi-sexual, and Transgender relationship violence. Sergeant Jones obtained a Master of Public Administration through Villanova University; is a graduate of the Ohio Association of Chiefs of Police (OACP) Executive Leadership College and is currently enrolled in its Certified Law Enforcement Executive Training Academy; and has completed the International Association of Chiefs of Police and Federal Law Enforcement Training Center leadership programs. Sergeant Jones is also a member of the National Association of Women Law Enforcement Executives and National Organization of Black Law Enforcement Executives.

Ms. Amanda King

Amanda King (b.1989 in Pittsburgh, PA) is an artist-activist and curator for social transformation in Cleveland. She uses her talents to create diverse ways to convey important social justice issues to community. Amanda is the founder and creative director of Shooting Without Bullets, a revolutionary youth advocacy program that focuses on identity development in black and brown teens in Cleveland through photography, open dialogue and expressive arts. She serves as the youth advocate on the Cleveland Community Police Commission. Amanda is a J.D. Candidate at Case Western Reserve University School of Law (2017). Prior to attending law school, she worked as a fashion editorial assistant in New York City. Amanda's work has been published by F.Y! and Vibe magazines. She received a B.A. in Art History from Bryn Mawr College (2011).

Ms. LaToya Logan

LaToya Logan has over ten years of experience in the field of social work providing supervision, training, and program evaluation. LaToya is a seasoned clinician, specializing in trauma, criminal justice, and crisis management. LaToya has conducted training for community mental health agencies and, most recently, she was a presenter at the National Association of Social Workers National Conference in Washington D.C. She is the founder and director of Project L.I.F.T., a nonprofit providing supportive housing to court involved males, ages 16-21. LaToya is a licensed independent social worker (LISW-S), a certified clinical trauma professional. LaToya earned a bachelor in English Education from Michigan State University and masters in social administration from Case Western Reserve University.

Det. Steve Loomis

Detective Steve Loomis serves as President of the Cleveland Police Patrolmen's Association.

Mr. Dylan Sellers

Dylan is a community activist working with the Children's Defense Fund and the New Abolitionist Association to eliminate zero tolerance policies and establish police oversight. He has worked as the Political and Research Coordinator for the New Abolitionist Association, as Project Director of the Children's Defense Fund Freedom School, and as Legislative Assistance for the Ohio House of Representatives.

Dr. Rhonda Y. Williams, Co-Chair

Dr. Rhonda Y. Williams is an associate professor in the History Department at CWRU. She is the founder and director of the Social Justice Institute, and CWRU's Postdoctoral Fellowship in African American Studies. In 2009, she was awarded CWRU's inaugural Inclusion and Diversity Achievement Award. Dr. Rhonda is the author of *Concrete Demands: The Search for Black Power in the 20th Century* (2015) and the award-winning *The Politics of Public Housing: Black Women's Struggles against Urban Inequality* (2004). As an educator, researcher, and scholar-activist, Williams has worked to broker understanding of issues regarding marginalization, inequalities, and social justice. She has been engaged in local community efforts, including as a founding member of the Collaborative for a Safe, Fair, and Just Cleveland and the Cleveland 8.

3. FORMER MEMBERS OF THE CLEVELAND COMMUNITY POLICE COMMISSION

Mr. Max Rodas
Term: September 8, 2015—January 11, 2016

Dean Craig Boise
Term: September 8, 2015—January 25, 2016

Sgt. Tim Higgins
Term: September 8, 2015—March 8, 2016

COMMISSIONER START AND END DATES

- Mr. Anthony Body 9/8/2015—Present
- Dean Craig Boise 9/8/2015—1/25/2016
- Dr. Kathleen A. Clegg 9/8/2015—Present
- Mr. Mario Clopton-Zymler 9/8/2015—Present
- Rev. Dr. Yvonne Conner 9/8/2015—Present
- Mr. Lee Fisher 9/8/2015—Present
- Mr. Gordon Friedman 11/14/2016—Present
- Det. Lynn Hampton 9/8/2015—Present
- Sgt. Tim Higgins 9/8/2015—3/8/2016
- Sgt. Deirdre Jones 11/14/2016—Present
- Ms. Amanda King 9/8/2015—Present
- Ms. LaToya Logan 11/14/2016—Present
- Det. Steve Loomis 9/8/2015—Present
- Mr. Max Rodas 9/8/2015—1/11/2016
- Mr. Dylan Sellers 9/8/2015—Present
- Dr. Rhonda Y. Williams 9/8/2015—Present

SECTION III

Getting to Work

1. THE CPC'S STRUCTURE

Once sworn in, the CPC immediately began tackling three primary tasks: (1) engaging in the policy reform process by implementing its mandates as outlined in the Consent Decree; (2) establishing opportunities to meet with and hear from community members; and (3) establishing a governance structure for itself.

The CPC is authorized by the Consent Decree and governed by its internal by-laws, which outline the expectations of Commissioners, as well as the infrastructure of the CPC including leadership, committee and Work Group structure, decision-making, and meetings.

Originally the CPC had three Co-Chairs. However, since the second quarter of 2016, two Co-Chairs have led the Commission. The Co-Chairs oversee the operations of the CPC as a whole, as well as the work of the standing committees. The four standing committees include:

1. **Budget, IT, and Infrastructure:** responsible for managing the CPC's budget process; recommending changes in the structure of the CPC, including governing by-laws and expectations; and overseeing the hiring of staff.

2. **Community Outreach and Engagement (CO&E):** responsible for gathering and providing information across Greater Cleveland from differing perspectives that promote lively and "edge-pushing" discussions in order to build community trust and confidence, resolve problems, establish bias-free and constitutional policing, and advance comprehensive police reform that exalts 21st century standards of fairness, legitimacy, equity, transparency, and accountability. This Committee plans Town Hall meetings and other community-CPC interactions. The CO&E Committee completed the design of the first CPC brochure, business cards, message board, and mission statement banner.

3. **Policy and Procedures Assessment:** as a committee of the whole, responsible for stewarding all CPC policy recommendation work products and steering established Work Groups. Each Work Group helps gather community input and completes the research, analysis, and drafting required to identify a set of policy recommendations for the full CPC's and community's review and consideration. Current Work Groups include: Bias-Free Policing; Civilian Police Review Board (CPRB)/ Office of Professional Standards (OPS); and Use of Force. Work Groups will be developed as needed to complete work products. For instance, a Work Group was developed to work on the CDP Mission Statement but was dissolved following its completion.

4. **Communications:** responsible for all media advisories, press releases, and interactions with the public including Twitter, the CPC webpage, and the community member database.

The CPC has money allocated for the hiring of five staff positions including: an Executive Director; an Administrative Assistant; a Policy Analyst and Researcher; and two project coordinators including one focused on Community Engagement. The CPC launched a search for an Executive

Director in March 2016 and ultimately chose to reopen the search in October 2016, opting to edit qualifications and position descriptions in order to cast a wider net. By June 2017, it is the CPC's goal to have an Executive Director, a Community Engagement Coordinator, and an Administrative Assistant hired and working.

2. CPC MEETINGS

The CPC holds various types of meetings, designed to both engage the community in a public and transparent decision-making process and create spaces for detailed work, research, and open deliberations between Commissioners and with community members.

Throughout its first year, the Commission made an intentional effort to "touch" as many areas of Cleveland as possible. The CPC, with the logistical help of staff from the Community Relations Board, identified and secured meeting venues in recreation centers, places of worship, and other publicly accessible venues.

The CPC maintained a regularly rotating schedule of meetings that brought the Commission into all five of Cleveland's police districts. Meetings were held in every political ward except Wards 4 and 16.

Specifically (as of November 2016),

- The CPC held 69 scheduled meetings: 22 Full Commission Meetings; 38 Work Group or Committee Meetings; 5 Town Hall Meetings; 2 Special Meetings; and 2 Community Forums.
- Meetings have been held most often in Wards 5, 6, and 7 with each holding five or more meetings.
- 26% of scheduled meetings have been held at locations on the west side of Cleveland.
- 74% of meetings have been held at locations on the east side of Cleveland.
- Commissioners' individual attendance at Full Commission meetings has varied. (See Appendix A for specific data.)

Additionally, the CPC has used its meetings as an opportunity to not only educate the Commissioners, but also the broader community about issues related to police reform and the Consent Decree implementation process, often inviting speakers who could address community concerns or policy issues. CDP Commander Brian Heffernan and Sgt. Patricia Chism regularly attended CPC meetings and, at times, answered questions and participated in small group breakout sessions. Special speakers included:

- Deputy Chief Joellen O'Neill
- Dr. Ronnie Dunn and Gabriella Celeste on Bias-Free Policing
- Attorney Terry Gilbert and LaTonya Goldsby on Use of Force
- Dr. Ellen Burts-Cooper on Mission Statement Best Practices
- Messrs. Grant Dinner and Chas Lane on the Cleveland Police Foundation
- The Monitoring Team on its Monitoring Plan and proposed Use of Force policy drafts

A. Full Commission Meetings

Full Commission meetings are the official business meetings of the CPC. They are an opportunity for Commissioners to learn official CPC updates from the Co-Chairs, the various committee and Work Group chairs, and CPC staff. When necessary, Commissioners also host small group breakout sessions during these meetings in order to gather community input and feedback for its policy recommendations. Full Commission meetings are public meetings and include a 30-minute public comment period. The Commission aims to hold voting at the Full Commission meetings. However, it has been necessary in the interest of moving business forward, either due to the schedule of meetings or an unmet quorum, to hold e-votes.

B. Committee and Work Group Meetings

In general, committee meetings are small subgroup meetings of the Commissioners, aligned with the committee structure established in the CPC by-laws. Committees convene on an as-needed basis to work on specific projects related to CPC operations. (See "The CPC's Structure" for a complete list of the CPC's standing committees.)

1. **Policy and Procedure Assessment (PPA) Committee Meetings:** PPA Committee meetings are held for Commissioners only in order to discuss best practices, develop and review drafts of recommendations, and assess policy concerns and ideas.

2. **Work Group Meetings:** While PPA Committee meetings are not public, all of the CPC's Work Groups are. Each Work Group, which is a subcommittee of the PPA Committee, has a membership of Commissioners and can include up to three invited Non-Commissioners.

C. Town Hall Meetings

The CPC held several Town Hall meetings which focused on a variety of community and police reform issues. The Community Outreach and Engagement Committee (CO&E) plans the Town Halls, which serve as another opportunity for the CPC to hear the community's thoughts and concerns, as well as educate attendees and Commissioners on issues related to the work of the CPC and police reform as a whole. Community members, CDP officers and administration, social justice advocates, lawyers, children, and teens have participated in CPC Town Halls. Discussions from these events have fostered meaningful community input, which has informed CPC recommendations and reports.

These Town Halls have also served as a catharsis for community members, including residents and police officers, who have felt the need to share their thoughts and feelings on police-related issues within Cleveland and nationally. These discussions are at the heart of the reform process and offer important opportunities to strengthen community confidence.

D. Executive Sessions and Special Meetings

Executive Sessions are closed meetings used primarily to discuss internal staffing and personnel matters. Special Meetings are called to discuss a specific issue and are open to the public. Both are used sparingly.

3. COMMUNITY INPUT

The CPC benefits from the variety of input, feedback, and ideas from community members in different locations around Cleveland. There is a dedicated group of community members who frequently attend CPC meetings. The Commission also openly welcomes all first-time attendees. Represented groups include: concerned residents; activists; police officers; representatives from advocacy groups and nonprofits; elementary school students; undergraduate, graduate, law, and doctoral students; the homeless; members of the LGBTQ+ community; members of African-American, Asian, Hispanic, and European communities; and members of many faiths and the atheist/agnostic communities.

Over the course of its first year, the CPC has introduced a number of strategies to regularly and reliably invite, receive, and incorporate community feedback into all of its policy recommendations. Community feedback has also informed the CPC's formal and informal communications and dialogues with the CDP, the City of Cleveland, the Department of Justice, the Monitoring Team, and the Federal

Court. The primary strategies for community input, used throughout the year, include the following:

A. Breakout Sessions and Public Comment

Public participation is a key part of the Full Commission meetings. At each Full Commission meeting there is a 30-minute public comment period in which community members may address their questions or comments to the CPC. Frequently, these comments refer to opinions about a specific policy issue, personal experiences and concerns, or ideas about other aspects of the CPC's operations that could be considered as a new opportunity. All public comments are recorded in the official minutes of each Full Commission meeting. Every CPC policy recommendation was discussed during either a public comment period and/or a CPC breakout session.

Some Full Commission meetings also include interactive activities, such as CPC-led breakout sessions, which are used by the Commission to hear public experiences and perspectives on a specific policy draft or reform-related subject. The CPC has found that these discussions are openly welcomed by meeting participants and are a particularly effective tool for collecting community feedback.

The public comment period often included animated, robust, even tense exchanges that demonstrated the variety of concerns and tensions that exist within the community. In its willingness to hear community concerns and in an effort to create an open, civil, balanced, but authentic space for engagement, the CPC established Ground Rules to guide the public comment period. (See Appendix B.)

Additionally, other issues were discussed during the public comment and breakout sessions at Full Commission meetings. For example, meeting participants frequently commented on Commissioner attendance and engagement levels, early drafts of the CPC by-laws, the use of CDP policies to increase levels of accountability among police officers, the equipment and resources used during the RNC, militarization of community and surveillance tactics, and the need for more transparency and data sharing between the CDP and the community.

B. Community Surveys

The CPC used surveys to collect feedback on: the Commission's CDP reform recommendations; Use of Force definitions, policies, and practices; the CDP Mission Statement; and reforms to the civilian oversight and complaint processes. The CPC has also supported and encouraged participation in the issues for which the Monitoring Team is collecting data including community feedback on body cameras, Use of Force, as well as the First Year Monitoring Plan. All community input surveys were made publicly available through the CPC website. Some were also distributed at Full Commission and Town Hall meetings.

C. Letters and Correspondence with Community Groups

Through the official CPC email address (info@clecpc.org), the CPC corresponds with a number of community groups. For example, the CPC has received:

- Six recommendation letters from the ACLU
- 131 issue letters from individual ACLU members related to the civilian complaint process, Use of Force policies, transparency, and accountability
- Five recommendation letters from SURJ (Showing Up for Racial Justice)
- One letter from EYEJ (Empowering Youth, Exploring Justice)
- Two letters from Case Western Reserve University's Schubert Center for Child Studies

The CPC appreciates its correspondence with community groups, as these interactions result in many valuable suggestions, which are incorporated into the CPC's policy recommendations.

D. Individualized Commissioner Outreach

Commissioners were chosen by the Selection Panel to represent specific community groups' perspectives. Commissioners' connections to their respective groups have been invaluable to the creation of an all-encompassing reform process, as they are able to leverage their respective networks to promote the work of the CPC as well as to solicit ideas, feedback, and resources.

SECTION IV

Reform in Progress: CPC Policy Year-One Recommendations

During the first year of the Consent Decree, the CPC had a quite robust number of mandates to fulfill with aggressive timelines. This required dozens of meetings and hundreds of volunteer Commissioner hours monthly, with some Commissioners meeting three to four times a week.

Many members of the CPC worked diligently and dutifully to gather the information necessary to produce its specific "work products," such as policy recommendations and reports, to inform the police reform process. The CPC takes its mandate seriously, believing it is critically important to compile and assess the breadth of what can be gathered—through independent research and collaborative information-sharing—to produce high-quality reports, convey community sentiments, as well as potentially advocate for divergent positions as it provides recommendations to the Chief of Police, City and DOJ representatives, and the Monitoring Team as per the Consent Decree.

By playing this role and fulfilling these responsibilities, the CPC envisions itself making a critical and necessary contribution to the reform process.

The CPC generally gathered three types of information for incorporation into its recommendations: (1) independent research compiling best practices and assessing models from other cities; (2) input from local community members; and (3) input from local civic organizations or groups with subject area expertise.

Below are high-level summaries of the mandates, policy recommendations, and reports of the CPC in the order they were initiated.

1. CIVILIAN COMPLAINT PROCESS

Providing recommendations, community concerns, and feedback with regard to Cleveland's civilian complaint process represented the first major mandate of the CPC after its empaneling in September 2015. The civilian complaint process has been described as broken, ineffective, unresponsive, and in need of overhauling by community members and most recently by the Monitor. In its June 2016 Semi-Annual Report, the Monitor described the state of affairs in the Office of Professional Standards (OPS) as "dire" and indicated that the Office and Civilian Police Review Board (CPRB) lacked clearly delineated standards guiding the investigation and adjudication of civilian complaints, and had more "foundational deficiencies" than the team was previously aware.[3] The CPC was tasked with focusing on two aspects of the civilian-led complaint process: (1) reviewing and recommending changes for the civilian process as outlined in the City Charter; and (2) providing recommendations to create the OPS and CPRB's first-ever operations manuals.

[3]Cleveland Police Monitoring Team, *First Semi-Annual Report*, June 2016, p. 7, available at http://www.clevelandpolicemonitor.net

A. City Charter Amendment

The Mandate

The Civilian Police Review Board and the Office of Professional Standards provide civilian oversight of the complaint process involving police officers. The Consent Decree tasked the CPC with consulting on the development of an ordinance that would reform the basic structure of the CPRB including: "requiring members of CPRB to be appointed in a transparent manner, to be representative of the diverse communities within Cleveland, to allow the chair and a vice chair of CPRB to each serve for a term of one year, and to be selected from among the members by majority vote of CPRB membership."[4]

The CPC's Role

The reform of the CPRB and OPS was the first policy task the CPC worked on after the swearing-in of the original thirteen Commissioners. The CPRB Work Group, chaired by Dr. Rhonda Y. Williams, held several meetings to work through the Consent Decree mandated reforms of the CPRB as well as research best practices in civilian oversight of the police. The Work Group meetings included community members, staff members and investigators of the Office of Professional Standards, as well as members of the then-current Police Review Board. Section 115-2 of the Cleveland City Charter was the section that required change according to the Consent Decree.

However, after collecting community feedback, organizational input, and researching best practices, the CPC concluded that in order to truly reform the CPRB it was necessary to revise the remaining sections of 115 which outline the scope of influence, powers, and responsibilities of both the OPS and CPRB. Drawing on paragraph 17d in the Consent Decree[5], the CPC proceeded along this path.

The efforts to encourage comprehensive reform of Section 115 of the Charter represented the CPC's first challenge in working with the City when the City Law Department and City Council introduced an emergency ordinance in November 2015 before receiving the required input from the CPC. Raising this concern with the Monitoring Team resulted in an official "reset." The emergency ordinance that had been prematurely introduced was set aside and discussions began anew in early 2016 to consider the CPC's comprehensive approach. It was proposed that the remaining sections of 115 would be addressed to provide an updated architectural framework for the civilian complaint and oversight process in the City Charter.

The CPC continued to: gather input from the community, the CPRB chair, the OPS director and investigators, as well as two members of NACOLE; set up meetings with the City Law Director; invite the City Law Director and chair of the City Council's Public Safety Committee to its Work Group meetings; and phone conference with DOJ representatives. While it became increasingly clear that the Parties did not desire to consider proposed revisions beyond Section 115-2, the CPC stood by its approach, which included revising Sections 115-1 through 115-4, and submitted its updated recommendations in May 2016.

Status of Policy Reform

The City Council approved language to amend only Section 115-2 of the Cleveland City Charter in August 2016, incorporating many of the CPC's recommended changes for that particular section.[6]

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[4]Consent Decree Paragraph 230

[5]Consent Decree Paragraph 17d states: "The Commission will. on an ongoing basis, review CDP's civilian oversight structure to determine if there are changes it recommends for improving CDP's accountability and transparency."

[6]See "CPC Police Review Board Policy Recommendations for Review," December 17, 2015; and "CPC Police Review Board Charter Amendment Recommendations," May 27, 2016, available at: www.clecpc.org/community-questionnaires

The City Council approved language to amend only Section 115-2 of the Cleveland City Charter in August 2016, incorporating many of the CPC's recommended changes for that particular section. This emergency ordinance appeared on the November 2016 ballot as Issue 33. In the November election, the citizens of Cleveland voted to approve Issue 33, thereby amending Section 115-2 of the City Charter[7]. The CPC still wholeheartedly believes that it is critical to develop a clearly delineated and transparent application process that outlines criteria and expectations for application, selection, and membership to the Civilian Police Review Board.

The CPC also continues to have questions regarding the authority structure and the role of the Director of Public Safety as the executive head of the police force in the civilian-led complaint process.

Overall, the CPC remains committed to advocating for comprehensive, substantive reforms that result in an effective, efficient, and fair investigative and adjudicatory processes within the civilian complaint system.

B. CPRB and OPS Operations Manuals

During discussions regarding the CPRB Charter Amendment between the CPC and the Parties, representatives from the U.S. Attorney's Office—Northern District of Ohio and the Department of Justice suggested that some of the detailed language proposed by the CPC as part of its Charter Amendment recommendations for Sections 115-1 through 115-4 would be better suited in a codified ordinance or in the CPRB and OPS operations manuals. The CPC's development of recommendations for the Charter Amendment and the operations manuals overlapped. In response to these suggestions, the CPC, while maintaining its advocacy for comprehensive reform of the Charter Amendment, incorporated some of its proposed charter amendment recommendation language into its recommendations for the operations manuals.

The Mandate

The CPC was charged with reviewing the CPRB and OPS Manuals to determine if they reflected "community interests, values, experiences, and concerns."[8]

The CPC's Role

The CPRB Work Group held meetings in the community that included the OPS administrator and investigators, the CPRB chair, community members, Monitoring Team members, and Commissioners and where values, experiences, and concerns were shared. Best practices in civilian oversight organizations were researched and several manuals from other cities were cited in the crafting of CPC recommendations.

The CPC recommendations for the operations manuals were submitted in March 2016. In October 2016, the CPC submitted feedback on the CPRB and OPS manuals, which were drafted by Monitoring Team members who provided technical assistance[9]. Subsequent to this, the CPC also participated in a follow-up meeting with the Parties and the Monitoring Team to discuss additional adjustments and concerns prior to its court filing. Many of the CPC's recommendations were incorporated.

Status of Policy Reform

The CPRB and OPS operations manuals were submitted to the Court for approval in November 2016[10].

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[7]See Cleveland, OH Code of Ordinances, Chapter 25—Police and Fire Service , available at http://library.amlegal.com/nxt/gateway.dll/Ohio/cleveland_oh/cityofclevelandohiocodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:cleveland_oh

[8]Cleveland Police Monitoring Team, *Final First-Year Monitoring Plan*, February 2016, p. 40, available at http://www.clevelandpolicemonitor.net

[9]See "Civilian Police Review Board/Office of Professional Standards Internal Operations Manual," March 17, 2016; "CPC Feedback on Civilian Police Review Board Draft Manual," October 17, 2016; and "CPC Feedback on Office of Professional Standards Draft Manual," October 24, 2016, available at http://www.clecpc.org/community-questionnaires

[10]See "Original Memorandum Approving & Submitting Revised OPS & PRB Manuals (November 2016), available at http://www.clevelandpolicemonitor.net/resources-reports/

2. BIAS-FREE POLICING

Issues of unequal treatment involving stops, arrests, and use of force are especially troubling. In some cases, this may be the result of intentional bias, but it also can be the result of unintentional or implicit bias in systems and institutions. All types of bias may cause police to treat people differently, which may be counterproductive and unfair. Bias-free policing is policing that is free of discriminatory effect as well as discriminatory intent. It will increase the CDP's effectiveness as a law enforcement agency and build mutual trust and respect with Cleveland's diverse groups and communities.

A. Bias-Free Policing General Police Order (GPO)

The Mandate

The CPC was charged with completing an assessment and making recommendations for the CDP's Bias-Free Policing policies, practices, and training.[11]

The CPC's Role

The Bias-Free Policing Work Group led the research and policy development process on behalf of the CPC. The Work Group included Commissioners and external community members who expressed interest in joining the Work Group and were evaluated as experts in a related field of study. The external members of the Bias-Free Work Group were: Dr. Ronnie Dunn, Mr. James Hardiman, and Dr. Zachery Williams.

The Work Group was particularly interested in gaining an understanding of the views of people in Cleveland who have traditionally not had a voice and who may have substantial concerns with police practices, including but not limited to communities of color, people who are homeless, and members of the LGBTQ+ and Muslim communities.[12] The CPC deeply appreciated the involvement of many community members in the process and found their observations very helpful and often compelling.

The CPC submitted its policy recommendations pertaining to bias-free policing to the Monitoring Team on March 7, 2016. After reviewing the comments of the Department of Justice and the Monitoring Team, the CPC submitted a revised report on May 3, 2016[13].

Since then, it was reviewed by the Consent Decree stakeholders and is being used as a resource in the current drafting of a new Bias-Free Policing policy. The recommendations have also been forwarded to City Council.

Status of Policy Reform

Prior to the Consent Decree, the CDP had no explicit, stand alone Bias-Free General Police Order. Some concepts within the purview of bias-free policing appear in other CDP GPOs.

The CDP has drafted a policy for further discussion. The current draft GPO has been shared with the CPC and the community at large. It remains a working draft, to be reviewed by the CPC and community, before a final draft is submitted for review and approval. A formal analysis comparing the revised Bias-Free Policing GPO and CPC recommendations has not yet been drafted although it is the CPC's intention to develop a formal analysis in the near future.

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[11] Consent Decree Paragraph 17a

[12] The Bias-Free Policing Work Group met ten times, including its community forums at which bias-free policing was extensively discussed.

[13] See "Bias-Free Policing Report—Recommendations to Cleveland Division of Police," March 7, 2016; and "Revised Bias-Free Policing Recommendations (based on DOJ and Monitoring Team Feedback)," May 3, 2016, available at http://www.clecpc.org/community-questionnaires

B. Emergency Ordinance 750-15 Regarding Bias-Based Profiling

The Mandate

The CPC was mandated to "assist as appropriate in CDP's development of...bias-free policing and cultural competency."[14]

The CPC's Role

In June 2015, Council Members Matt Zone and Kevin Conwell proposed an ordinance to address bias-based policing with the assistance of Dr. Ronnie Dunn and Attorney James Hardiman, who drafted and proposed initial ideas to implement municipal legislation to address racial profiling. It defines bias-based profiling, prohibits the use of bias-based profiling by members of the CDP, and requires data recording for all investigatory stops. It also requires an assessment, annual report, and analysis of the data collected. The CPC Co-Chairs—Craig Boise, Mario Clopton-Zymler, and Rhonda Y. Williams—participated in a City Council Safety Committee meeting in October 2015 to provide preliminary thoughts on the ordinance. Councilperson Matt Zone, Chair of the Safety Committee, has noted that more hearings and meetings to discuss the ordinance will occur in the future.

Status of Policy Reform

In its Bias-Free Policing GPO recommendations, the CPC also provided suggestions for the Emergency Ordinance, particularly incorporation of the "trustworthy suspect-specific model."[15] The trustworthy suspect-specific model limits the instances in which race, color, and characteristics of other classes may be employed in police work. Under the trustworthy suspect-specific approach, police may rely on protected or marginalized class identifiers, but only in the limited circumstances in which these traits describe a specific person connected with a particular crime.

The City Council has not responded to the CPC's suggestions, and as of the writing of this report, no further communication has occurred.

3. CDP RECRUITMENT AND HIRING: INSPECTOR GENERAL

In March 2016, the CPC submitted its recommendations for minimum qualifications for a civilian Inspector General (IG)[16]. Among the key aspects of this report included the independence and autonomy of the IG including: questioning the appropriateness and effectiveness of the IG reporting structure to the Chief of Police; avoidance of conflicts of interest and freedom from personal or external impairments to independence; geographic/cultural familiarity with Cleveland; necessary educational and work experience; and a commitment to 21st century policing standards.

4. CDP MISSION STATEMENT

The Mandate

The CPC was tasked with collecting "the concerns, experiences, values, and issues related to the CDP mission statement from across Cleveland's diverse communities into a single, written document that fairly and accurately summarizes community input received (the 'CPC Mission Statement Work Product')."[17]

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[14]Consent Decree Paragraph 17b

[15]See "Revised Bias-Free Policing Recommendations (based on DOJ and Monitoring Team Feedback)," May 3, 2016, available at http://www.clecpc.org/community-questionnaires

[16]See "Inspector General Job Description Recommendations," March 31, 2016, available at http://www.clecpc.org/community-questionnaires

[17]Cleveland Police Monitoring Team, *Final First-Year Monitoring Plan*, February 2016, Exhibit A, p. 1, available at http://www.clevelandpolicemonitor.net ; and Consent Decree Paragraph 28

The CPC's Role

The CPC delivered a set of recommendations to inform the initial drafting of the CDP mission statement and a subsequent report on best practices for developing mission statements. The CPC's mission statement work product team was led by Cleveland Police Commissioner Rev. Dr. Yvonne Conner. Outside consultation was provided by Dr. Ellen Burts-Cooper, Dr. Martha Banks, and Dr. Linda Crowell.

1. **Mission Statement Recommendations:** The CPC collected feedback from the community by way of surveys at Full Commission meetings and a Town Hall. Survey tools were also made available at public venues such as libraries and shared online. All of these actions assisted the CPC's Mission Statement team members in: (1) supplying feedback on the CDP's then-current mission statement; and (2) providing guidance about the contents of the proposed revised mission statement.

2. **Mission Statement Best Practices Report:** The Work Group also compiled research on mission statement best practices and created and analyzed community surveys for public feedback on the topic. This "Mission Statements Best Practices" report was accepted and approved by the Full Commission and submitted to the Monitoring Team[18]. After receiving the CPC's report on how to draft a high-quality mission statement, the CDP drafted three drafts of a possible mission statement and asked the CPC to gather community feedback on each draft. The CPC shared information with the public about the purpose of mission statements and best practices before administering two additional feedback questionnaires. The surveys included both qualitative and quantitative feedback.

Status of Policy Reform

A new mission statement was approved by the Monitoring Team and the Court during Summer 2016[19].

5. USE OF FORCE

Excessive use of force and unconstitutional policing are critical foundational concerns that sparked the Department of Justice investigations of the Cleveland Division of Police and, as a result, are also at the heart of the Consent Decree.

The Mandate

The CPC was tasked with collecting "the concerns, experiences, values, and issues related to the use of force policy, reporting and training," and internal, administrative investigations "from across Cleveland's diverse communities" into reports that "fairly and accurately summarize the community input received."[20]

The CPC's Role

The CPC gathered information from the community through its regularly-held public meetings, Special Meetings, the development of a Use of Force Questionnaire, and suggestions submitted by organizations and individuals[21]. In addition, the Commissioners also reviewed their notes from Bias -Free Work Group meetings as well as the minutes from other CPC meetings to gather community input on use of force.

The CPC and its Use of Force Work Group hosted community-based meetings and gathered input from a variety of organizations to collect feedback from people who may not be able to access the CPC through its community meetings and surveys.

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[18]See "Mission Statement Best Practices," May 10, 2016, available at http://www.clecpc.org/community-questionnaires

[19]See "Revised CPD Mission Statement (June 2016)," available at http://www.clevelandpolicemonitor.net/resources-reports/

[20]Cleveland Police Monitoring Team, *Final First-Year Monitoring Plan*, February 2016, Exhibit A, p. 6, available at http://www.clevelandpolicemonitor.net

[21]See "Use of Force Policy Recommendations," March 31, 2016, p. 6, available at http://www.clecpc.org/community-questionnaires

Special Meetings were organized with organizations representing: police officers, specifically The Black Shield; residents of the Cuyahoga County Metropolitan Housing Authority; clergy; and black community activist networks. Detailed input was also provided by groups such as SURJ, as well as youth advocacy entities including the Schubert Center for Child Studies at Case Western Reserve University and Strategies for Youth. All organizational input was added to the CPC Use of Force Summary Report and Initial Recommendations as addenda.

The CPC also participated in and helped to facilitate breakout groups during the community forums organized by the Cleveland Police Monitoring Team in late September 2016. At these meetings, the new use of force definitions and policies were introduced and were discussed in small groups in order to collect final feedback.

The CPC has submitted two reports concerning use of force: (1) The Use of Force Summary Report and Initial Recommendations and (2) The Use of Force Investigations and Review Report[22]. The initial recommendations set pre-Consent Decree Use of Force GPOs against recommendations from the Police Executive Research Forum (PERF) use of force report[23], best practices found in the research of the Use of Force Work Group, and input provided through community and organizational feedback.

Case Western Reserve University Law Clinic interns, under the guidance of Supervising Attorney Avidan Cover, were able to provide an analysis of which CPC recommendations were included and which were not in the new Use of Force GPOs. The analysis is included in Appendix C.

Status of Policy Reform

The new Use of Force GPOs were recommended for approval by the Monitor in November 2016[24]. The Commission will track the implementation of the new Use of Force policies and will continue to advocate for the recommendations that were not included.

6. COMMUNITY ENGAGEMENT ASSESSMENT PLAN

The Mandate

Community engagement lies at the core of the Consent Decree and the CPC. The CPC was mandated to, on an ongoing basis, "assess CDP's community activities, and make recommendations for additional strategies for CDP to consider to increase community engagement with and community confidence in CDP."[25]

The CPC's Role

A plan to assess the CDP's community engagement is currently being drafted. It is not final, and will be assessed further for its completeness before it is implemented. In its initial draft form[26], the plan outlines a three-stage method for obtaining evidence of community engagement and developing a community engagement assessment process. The first stage includes the collection of feedback from CPC records, minutes, correspondence, and community comment that is already on the record. Feedback would also be gathered from various activist organizations and community and policing networks.

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[22]See "Use of Force Policy Recommendations," March 31, 2016; and "Use of Force Investigations Reports and Recommendations," May 10, 2016, available at http://www.clecpc.org/community-questionnaires

[23]Police Executive Research Forum, "Use of Force: Taking Policing to a Higher Standard," January 29, 2016, available at https://www.themarshallproject.org/documents/2701999-30guidingprinciples#.0xIlenZIn

[24]See "UOF Definitions Draft," September 6, 2016; "UOF De-Escalation Draft," September 6, 2016; "UOF General Policy Draft," September 6, 2016; and "UOF Intermediate Weapons," September 6, 2016, available at http://www.clecpc.org/community-questionnaires

[25]Consent Decree Paragraph 17c

[26]See "Community Engagement Assessment Proposal," July 28, 2016, available at http://www.clecpc.org/community-questionnaires

Stage two is community-focused with a goal of using diverse methods of obtaining feedback from the public including: development of survey tools, both written and electronic; and community engagement Town Hall meetings focused solely on police-community relations, both educating the public on community and problem-oriented policing as well as receiving community input. So as to expand its footprint, the CPC would develop a series of discussions called "Listening Sessions" through non-profit organizations to collect feedback on behalf of the CPC.

Stage Three of the Community Engagement Assessment would be to analyze the data and feedback collected in the previous steps into a report that provides recommendations based on metrics required in the Consent Decree.

Status of Policy Reform

As it relates to community engagement, the CPC has been policy-focused. Through the Community Engagement Assessment the CPC will learn more about the CDP's community outreach efforts and looks forward to making recommendations on growing relationships between community and police. As reflected in the Monitoring Team semi-annual report, community policing should:

- Be the standard operating method of policing, not an occasional special project;
- Be practiced by personnel throughout the ranks...;
- Be empirical, in the sense that decisions are made on the basis of information that is gathered systematically;
- Involve, whenever possible, collaboration between police and other agencies and institutions; and
- Incorporate, wherever possible, community input and participation, so that it is the community's problems that are addressed (not just the police department's) and so that the community shares in the responsibility for its own protection.[27]

[27]Gary W. Cordner, "Community Policing: Elements and Effects," 5 *Police Forum* 1.5 (1995) in Cleveland Police Monitoring Team, *First Semi-Annual Report*, June 2016, p. 24, available at http://www.clevelandpolicemonitor.net

SECTION V

CPC Representation

1. CDP TRAINING REVIEW COMMITTEE REPRESENTATION

The Mandate

The CPC was tasked to "complete an assessment of and make recommendations on the CDP's bias-free...training," and "on an ongoing basis, including through its membership on the Training Review Committee, assist as appropriate in CDP's development of training related to bias-free policing and cultural competency."[28]

The CPC's Role

The CPC's representatives on the Training Review Committee (TRC) are Dr. Kathy Clegg and Mr. Mario Clopton-Zymler. The TRC is led by Commander Daniel Fay of the CDP and serves as the body that recommends policy and practice relating to all aspects of police training including policy and leadership training. To date, the TRC has convened three times since its initial meeting in March 2016. A needs assessment was completed by district training coordinators[29] to determine what they needed in order to do their jobs, including equipment and technology.

Status of Policy Reform

In April 2016, the TRC representatives submitted feedback on the In-Service Training (IST) instructor qualifications, standards for training, and requirements to become an IST instructor.

A Training Plan for the CDP was also drafted and shared. Its highlights include: continuous professional development; on-going TRC curriculum development; and training topics including the Consent Decree, community and problem-oriented policing, and use of force.

Both of the CPC representatives to the TRC participated in the assessment of proposals for the CDP's new Learning Management System (LMS). As of October 2016, no contracts have been rewarded. The scope of service for the potential LMS includes:

- A wide range of curricular and training content for numerous law enforcement disciplines;
- Capability to upload content specific for the Division of Police;
- Availability of discussion boards and individualized training content;
- Pre-assessment and post-assessment tests that are available 24 hours a day, 7 days a week;
- Maintenance of training records with connectivity to existing systems (e.g. LERMS);
- Ability to schedule training electronically, control access to online classes, and control the length of content delivery; and
- Delivery of Division policy with electronic signature receipt.[30]

[28] Consent Decree Paragraphs 17a and 17b

[29] District Training Coordinators are CDP officers who serve as the lead training specialists in each police district station.

[30] See "LearningMgmtSystem3.31.2016B.pdf," March 31, 2016, p. 3, available at http://www.cleveland-oh.gov/node/7425

2. MENTAL HEALTH RESPONSE ADVISORY COMMITTEE REPRESENTATION

The Mandate

The Consent Decree between the U.S. Department of Justice and the City of Cleveland required the development of a Mental Health Response Advisory Committee (MHRAC) no later than December 9, 2015[31]. The City of Cleveland selected the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Cuyahoga County to assist with establishing and implementing the MHRAC. The MOU was signed September 10, 2015, the first meeting was held on September 17th, and it has met monthly since that time.

The CPC's Role

Dr. Kathy Clegg serves as the CPC liaison to the MHRAC and updates the CPC on its work, reports, and recommendations.

Status of Policy Reform

The ADAMHS Board website should be consulted for specific updates on the MHRAC.[32]

3. COMMUNITY RELATIONS BOARD REPRESENTATION

The Mandate

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). [33]

The CPC's Role

While the CPC had identified Commissioners to attend the CRB meetings, this responsibility was not adequately met. The CPC will be addressing this moving forward.

Status of Policy Reform

The CRB loaned the CPC a staff member to provide logistical support for Full Commission meetings. This proved advantageous as the CPC began operating without a dedicated, permanent staff. However, it remains unclear to the CPC who from the CRB serves as a consistent liaison for the purpose of providing updates, when needed, at Full Commission meetings. This also will need addressing moving forward in order to enhance information sharing and relationship building between the two entities.

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[31]Consent Decree Paragraph 132
[32]See http://www.adamhscc.org
[33]Consent Decree Paragraph 16

SECTION VI

CPC Budget

Both the Monitoring Team and the City of Cleveland suggested that the Cleveland CPC's budget be modeled after that of the Seattle CPC. Before the Commission was empaneled, the Community Relations Board Director, Blaine Griffin, led initial research into the structure of the Seattle CPC's budget.

Based on his research, he presented to the CPC a draft budget, modeled after the Seattle CPC's budget but customized appropriately for the City of Cleveland. Using the presented draft as a starting point, the Cleveland CPC created a budget for September – December of Fiscal Year (FY) 2015, while simultaneously crafting a proposed FY 2016 budget that was presented to Council and approved. The Budget for FY 2017 was sent to the Finance Department in October 2016 to be approved by Council as a part of the 2017 City of Cleveland Budget. The CPC budget appears in the City budget as its own independent section.

The thirteen appointed Commissioners are volunteers; they receive no monetary compensation. The CPC does, however, have the authority to submit a budget request to City Hall. The budget estimates are based on what is deemed necessary to allow the CPC to fulfill its mandates including the hiring of permanent staff. The budget is proposed by the CPC, approved by City Council, and analyzed by the Monitor to determine whether it "affords sufficient independence and resources " to meet its mandates.[34]

The City's liaisons for budget and finance information are Monica Madaj and Kevin Preslan, Auditors working for the City Water Department, as well as André Reynolds, Project Coordinator for the City Finance Department. CPC expenses and budget creation, management, and monitoring are coordinated by this team.

At the time of this publication, it is unknown whether the City has secured private funding for the CPC. The CPC has independently received a grant from CEO for Cities for a Commissioners-only working retreat which was held in Summer 2016.

1. BUDGET FY 2015

In the first months of the CPC's operations, the Commission spent $16,265.43. Spending for the CPC budget included: internal email services through Google; Facilitation services; speaker, microphone, and electronic equipment used at community meetings; and food supplies for community meetings.

2. BUDGET FY 2016

The total budget approved for the CPC was $755,210. The total spending from this budget has been $34,554.28. Spending for the CPC budget included: Facilitation services; staff job search expenses; NACOLE membership; internet domain purchase; various copying services through the City of Cleveland; and food supplies for community meetings. A significant portion of the CPC budget is dedicated to Commission staff

[34]Consent Decree Paragraph 22

and consultants to facilitate and support the work of the CPC. Given the labor-intensive and extensive nature of the hiring process, coupled with the volunteer capacity of the Commissioners, the hiring process has taken longer than expected. This explains why a significant portion of the budget (allocated for staff) was not used. As of October 2016, the CPC has created an ambitious hiring calendar that, if followed, will have staff hired beginning February 2017.

3. BUDGET FY 2017

The total proposed budget for FY 2017 is $780,268.03. Operational Costs total $393,410.03 and Staff Salary and Benefits total $386,858.00. The Co-Chairs will discuss the budget with City Council in late February or early March 2017, and the budget will be voted on in April.

SECTION VII

Recommendations/Lessons Learned

1. COMMUNITY INPUT AND CPC MEETINGS

Public comment periods and interactive breakout sessions during public meetings are models of gathering community feedback that the CPC believes should be emulated by the CDP, the City of Cleveland, and City Council.

At the end of one of the CPC's Full Commission meetings, a community member who regularly attends shared with Commissioners some highlights from a conversation she had with a DOJ community outreach specialist. This specialist told the community member that, "she does not see this type of [substantive] citizen participation when she is in other cities and that she is proud of Cleveland for that."[35] The CPC will not only seek to build upon its current successes, but also necessarily think about how to create more opportunities and implement new strategies that will allow Commissioners to learn from an even greater number of community members.

The CPC will continue to hold its Full Commission meetings in public. Initially, the CPC held two Full Commission meetings a month. It now holds monthly Full Commission meetings, which are alternated with PPA Committee meetings (see below). At the Full Commission meetings, the CPC will continue to feature a public comment period. This promotes transparency and community trust by allowing the community to observe the proceedings of the CPC and witness a measure of the work and deliberation of its Commissioners. By including a formal and regular public comment period, it is the CPC's hope that it can simultaneously work to create meaningful opportunities for candid community input, build confidence, air difficult issues, and think about pathways for impactful police reform.

A. Commissioner-Only Meetings

The only "Commissioner-only" meetings are those of the Policy and Procedure Assessment Committee and the rarely-used Executive Sessions. Beginning in August 2016, the CPC developed a more consistent rotation for its PPA Committee meetings, going to one Full Commission meeting a month and one PPA Committee meeting a month. The CPC will continue to explore, as well as assess the effectiveness of, PPA Committee meetings as a private option for accomplishing its work without any voting action.

B. Meeting Locations

The CPC spent its entire first year holding its Full Commission meetings in different locations throughout the city. This was an invaluable way to learn the city, as well as make initial contacts with residents throughout Cleveland. Moving forward, the Commission has decided to hold its monthly Full Commission meetings at one location in order to encourage regularity and consistency. Town Halls and other special

[35]CPC Full Commission Meeting Minutes, June 23, 2016, available at https://docs.google.com/document/d/1N1E8mpdR4TEit4e4vL6nrJmBOqujDy94cqIArgrspKA/edit

meetings will continue to held in various locations around Cleveland. Finally, beyond holding monthly meetings, the Commission will explore other ways to engage, inform, and hear from the community. These include: web-based tools to capture meetings; television coverage by TV-20; and social media outlets.

2. INFRASTRUCTURE AND CAPACITY-BUILDING

The CPC is proactively engaged and committed to enhancing its capacity and organizational effectiveness. Hiring a permanent, dedicated staff, which is directly and solely responsible to the CPC, will help significantly with establishing an office, managing the CPC's day-to-day operations, and supporting the volunteer Commissioners in their work.

While hiring staff is critical to the future growth and success of the CPC, the development of recommendations by Commissioners—and their consistent interface with community, the Parties, the CDP, and the Monitoring Team, as well as engagement in all aspects of the reform process—remains integral to success.

The Commissioners are appointed to provide independent, well-researched, community-driven input and recommendations. Commissioners will remain the primary decision-makers and ultimate stewards of the work mandated by the Consent Decree.

A. Collaborations

The CPC has developed working relationships with local organizations and will seek to sustain as well as expand partnerships with individuals, community-based organizations, and other stakeholder groups in a more structured way. In its inaugural year, the CPC has developed collaborative relationships with two law school clinics (at Cleveland State University and Case Western Reserve University). Specific staff and students in these clinics are volunteering their time and expertise to help advance the CPC's work.

B. Facilitation

As part of its Year Two capacity-building efforts, the CPC has secured a facilitator to help with its small group sessions and public comment periods at regularly scheduled Full Commission meetings, Town Halls, as well as other community forums and Special Meetings as needed.

C. Organizational Consultant

The CPC Co-Chairs are also receiving technical assistance from the Monitoring Team to explore the short-term hiring of an organizational consultant to help the CPC build on its organizational strengths and explore new ways of maximizing its work and Commissioners' talents and expertise.

3. CHALLENGES AND OPPORTUNITIES

The CPC has provided a brief outline of some of the challenges and opportunities as it moves into Year 2 below:

A. Challenges

- Securing information requested from the Cleveland Division of Police in a timely manner;

- Gaining access to City, CDP, and other officials to present and answer questions at CPC-sponsored meetings;
- Lack of regular interaction with the Chief of Police;
- Lack of interaction with rank-and file-police and other law enforcement representatives beyond police representatives on the CPC, and Sgt. Chism and Commander Heffernan, who attended CPC meetings.
- Fulfilling the workload challenges without full-time staff. However, the CPC has begun the process of hiring staff to provide support for its volunteer Commissioners.
- Inconsistent attendance by Commissioners at CPC meetings;
- Lack of Commission representation at Community Relations Board meetings; and
- Trust-building between and among Commissioners.
- Sponsoring focused discussions among Commissioners, as well as in the community, to promote better understanding of civilian-guided reform, civilian oversight, and community and problem-oriented policing locally and nationally, such as the community forum co-sponsored by the Siegal Lifelong Learning Center/League of Women Voters/Social Justice Institute featuring Founder & Director of SJI and CPC Co-Chair Dr. Rhonda Y. Williams, Community Relations Board Executive Director Blaine Griffin, and Deputy Chief Deon McCaulley;
- Two new CPC members with fresh perspectives;
- Impending hiring of full-time staff; and
- CPC retreats focused on relationship-building among Commissioners.

B. Opportunities

- Attendance by CPC Co-Chairs at regular Monthly Stakeholder Meetings have resulted in conversations to expand the inclusion of CPC representatives in other discussions, particularly to contribute and respond to policies as they are being drafted and participating in collaborative opportunities to gather community input;
- Establishing more opportunities, such as regular meetings, with the Chief of Police and Monitoring Team with the entire CPC;
- Obtaining active participation and engagement with rank-and-file officers, as well as law enforcement managers, supervisors, and administrators;
- Developing innovative ways to build community networks and increase outreach;
- Deploying staff and budgetary resources to enhance survey instruments that will have greater reach and can be analyzed in greater depth;

SECTION VIII

Work in Progress/Work Yet to Come

The CPC has submitted recommendations and reports for the following and will continue to offer leadership and provide input:

- Civilian Police Review Board Charter Amendment
- Bias-Free Policing Ordinance
- Use of Force GPOs
- Inspector General Job Description

The following is CPC work in progress or work to be started in the near future:

- CDP Community Engagement Assessment Plan
- Bias-Free Policing GPO
- CDP Staffing
- CDP Recruitment and Hiring
- Data Analysis
- District Policing Committees and Community Engagement
- Training
- CDP Equipment and Resources Plan

APPENDIX A

Commissioner Attendance

Commissioner	10/7/2015	10/14/2015	10/28/2015	11/11/2015	12/3/2015	12/16/2015	12/17/2015	1/27/2016	2/10/2016
Body	Present	Present	Present	Present	Present	Present	Present		Present
Boise	Present	Present	Present	Present	Present	Present			
Clegg	Present	Present	Present	Present	Present	Present	Present	Present	Present
Clopton	Present	Present	Present	Present	Present		Present	Present	Present
Conner	Present		Present	Present	Present	Present	Present	Present	Present
Fisher	Present		Present	Present	Present	Present	Present	Present	Present
Friedman									
Hampton	Present	Present	Present	Present	Present	Present		Present	Present
Higgins	Present	Present	Present	Present	Present	Present		Present	Present
Jones									
King	Present	Present	Present	Present	Present	Present	Present		Present
Logan									
Loomis	Present	Present	Present	Present	Present	Present	Present		Present
Rodas	Present	Present	Present	Present		Present			
Sellers	Present	Present	Present	Present	Present	Present	Present	Present	
Williams	Present	Present	Present	Present	Present	Present	Present	Present	Present

Commissioner	2/24/2016	3/30/2016	4/19/2016	4/27/2016	5/11/2016	5/25/2016	6/23/2016	7/28/2016	8/10/2016
Body	Present						Present	Present	Present
Boise									
Clegg	Present	Present		Present	Present	Present	Present	Present	Present
Clopton	Present	Present	Present	Present	Present	Present	Present	Present	Present
Conner	Present	Present	Present		Present	Present	Present		
Fisher				Present				Present	
Friedman									
Hampton		Present			Present	Present			
Higgins	Present								
Jones			Present	Present				Present	Present
King	Present	Present					Present		
Logan									
Loomis		Present			Present	Present	Present		
Rodas									
Sellers	Present	Present					Present		
Williams	Present	Present	Present	Present	Present	Present	Present	Present	Present

Commissioner	8/25/2016	9/22/2016	10/27/2016	11/30/2016
Body				
Boise				
Clegg	Present	Present	Present	Present
Clopton	Present	Present	Present	
Conner		Present	Present	Present
Fisher	Present			
Friedman				Present
Hampton	Present			
Higgins				
Jones				
King	Present			
Logan				Present
Loomis				Present
Rodas				
Sellers		Present	Present	
Williams	Present	Present		Present

APPENDIX B

Public Comment Period Ground Rules

Cleveland Community Police Commission (CPC)
(*as of September 22, 2016)*

Cleveland CPC Full Commission Business Meeting & Public Comment "Ground Rules"

The CPC holds its Full Commission business meetings in public, so the community can observe the proceedings of the CPC and witness the work and deliberations of its Commissioners. *(See the CPC brochure and website for other types of open, public meetings the CPC also holds.)*

As part of its Full Commission meetings, the CPC has also established a formal and regular public comment period, which typically comes at the end of the meeting.

This is the part of the meeting when the public can ask questions or offer comments, and the Commissioners become primarily listeners, hearing your viewpoints, ideas, and concerns.

Holding open Full Commission meetings *and building in a regular public comment period have been two important ways for the CCPC to promote transparency and begin to build trust and community.*

Creating spaces where people can be honest, feel safe, as well as see the value – and necessity – in ongoing and consistent community input and dialogue IS NOT EASY. By following these Ground Rules, it is the CPC's hope that it can simultaneously work to create meaningful opportunities for candid community input, build confidence, air difficult issues, and think about pathways for impactful police reform.

PUBLIC COMMENT -- GROUND RULES:

1. **Up to 30-minute time period overall, with 2 minutes allotted to each speaker.**

2. **Be succinct as possible to be respectful of others who want to speak.**

3. **Focus your comments on ideas and not people.**

4. **Avoid invectives and name-calling.**

5. **Speak only once.** If everyone who wants to speak has had that chance, then people who have already spoken may have another opportunity to speak, ***at the discretion of the facilitator.***

6. **Abide by "STEP UP, STEP BACK."** That is, SHARE the floor. If you speak all the time, give others a chance to speak. If you don't often speak, PLEASE DO. We want to hear from you.

APPENDIX C

Case Western Reserve University Law Clinic Documents

ANALYSIS OF PROPOSED GENERAL POLICE ORDER, USE OF FORCE REPORTING

The following sets forth how the proposed General Police Order (GPO) on Use of Force Reporting, [released October 4, 2016] comports and does not comport with Cleveland Community Police Commission (CPC) Recommendations of March 31, 2016. Reference also will be made to Police Executive Research Forum (PERF) Guiding Principles on Use of Force, the Consent Decree, and other municipal police department policies.

I. COMPARISON WITH CPC RECOMMENDATIONS AND PERF GUIDING PRINCIPLES.

CPC Recommendation No. 1. Use of Force Reports need to be consistently evaluated for departmental values and integrity of reporting of the facts of the case.

How does General Police Order, Use of Force Reporting, comply?

Noncompliant.

- The proposed GPO does not mention review or consistent evaluations of Use of Force Reports.

CPC Recommendation No. 2. Use of Force needs to be reported out to the community by the Cleveland Division of Police (CDP) and the CPC on a monthly or quarterly basis.

How does General Police Order, Use of Force Reporting, comply?

Noncompliant.

- The proposed GPO does not mention a requirement to disclose the reported use of force to the community or the CPC.
- Future proposed GPOs may address such publication.

CPC Recommendation No. 3. Use of force reports should include narrative reporting to give context. The officer should not be required to solely "check the box."

How does General Police Order, Use of Force Reporting, comply?

Compliant.

- The reporting requirements in the proposed GPO outline that officers must provide a detailed narrative of the use of force incident.
- The report must include—among other things—the reason for the initial police presence, a description of the acts that preceded the use of force, and a complete and accurate description of every type of force used or observed.

CPC Recommendation No. 4. Gender needs to be added to the Blue Team Worksheet. It is different than sex.

How does General Police Order, Use of Force Reporting, comply?

Noncompliant.

- The proposed GPO mentions reporting through a Blue Team worksheet; however, details about gender are not provided.

CPC Recommendation No. 5. Police should minimize police jargon in their reporting, e.g., unfamiliar acronyms or verbiage. Statements should be clear and detailed.

How does General Police Order, Use of Force Reporting, comply?

Mixed compliance.

- The proposed GPO main policy explicitly states: "officers shall clearly, thoroughly, and properly report use of force incidents."
- Officers are required to document the necessity for each application of force, identify the uniqueness of each situation, and justify every force response.
- No reference is made to jargon.

CPC Recommendation No. 6. Officers indicated that reports are all looking the same, "no variations," with "run of the mill" language. This needs to change to improve the integrity and quality of reporting.

How does General Police Order, Use of Force Reporting, comply?

Compliant.

- Procedure II(C) prohibits "boilerplate" and "canned" language.
- Procedure III(A)(1) requires officers to provide a detailed entry about the incident from the officer's perspective.

CPC Recommendation No. 7. Officers indicated that at one time officers were instructed to use boilerplate language in their narrative writing of reports. This is not best practice and is still used by older officers, who are often resistant to change.

How does General Police Order, Use of Force Reporting, comply?

Compliant.

- Pursuant to procedure II(C) of the proposed GPO, officers are prohibited from using conclusory statements, including "boilerplate" or "canned" language. The reports require well-articulated details of each incident.

CPC Recommendation No. 8. Officers indicated a need for better training in report writing. This could enhance investigations by providing greater clarity and detail in order to follow how the scenario unfolded.

How does General Police Order, Use of Force Reporting, comply?

Noncompliant.

- The proposed GPO outlines numerous requirements and provides specific elements that every report should cover. Nonetheless, training is not mentioned in the proposed GPO.

CPC Recommendation No. 9. There needs to be better reporting detection of mental health involvement in civilian encounters with the police.

How does General Police Order, Use of Force Reporting, comply?

Noncompliant.

- The proposed GPO does not mention reporting detection of mental health involvement in civilian encounters with the police.

Police Executive Research Forum Principle (PERF) No. 10. Document use-of-force incidents, and review data and enforcement practices to ensure that they are fair and non-discriminatory.

How does General Police Order, Use of Force Reporting, comply?

Compliant.

- Procedure II of the proposed GPO complies with this Principle. Though the specific language of "fair and non-discriminatory" is not included, the specific procedures outlined are in place to achieve this result.

PERF Principle No. 11. To build understanding and trust, agencies should issue regular reports to the public on use of force.

How does General Police Order, Use of Force Reporting, comply?

Noncompliant.

- The proposed GPO does not mention any public reporting requirement; however, this publication may follow in another GPO or policy in the future.

II. COMPARISON WITH THE CONSENT DECREE

Consent Decree ¶ 56. Un-holstering a firearm and pointing it at a subject constitutes a Level 1 reportable use of force and will be reported and investigated as such. The following exceptions to this reporting requirement will apply: (a) SWAT Team Officers will not be required to report the pointing of a firearm at a subject as a use of force during the execution of SWAT Team duties; (b) officers who are deputized and assigned to a Federal Task Force will not be required to report the pointing of a firearm at a subject as a use of force when conducting federal task force operations during which a supervisor is present. Reports or forms regarding any such incidents that are otherwise prepared by a Task Force supervisor will be provided to CDP; (c) officers assigned to the Gang Impact, Narcotics, Homicide, Sex Crimes, Domestic Violence, and Financial Crimes Units will not be required to report the pointing of a firearm at a subject as a use of force if done solely while entering and securing a building in connection with the execution of an arrest or search warrant and a supervisor prepares a report detailing the incident.

How does General Police Order, Use of Force Reporting, comply?

Compliant.

- Procedure V(C)(2)(i-iii) of the proposed GPO is compliant with the consent decree.
- The only distinction is that the proposed GPO includes Procedure V(C)(2)(iv), stating that these exceptions apply only to uniformed officers assigned to the above duties while performing duties assigned by the supervisor during the execution of warrants.

Consent Decree ¶ 73. In addition to the force reporting requirements outlined in paragraph 88, officers will clearly articulate and justify the following regarding their ECW use in a written narrative: (a) each and every ECW cycle used on a subject or attempted against a subject; (b) use of the ECW in drive stun mode; (c) ECW application for more than 15 seconds; (d) continuous cycling of an ECW; (e) ECW application on a fleeing person; and (f) ECW application by more than one officer.

How does General Police Order, Use of Force Reporting, comply?

Compliant.

- Procedure V(A)(1)(a-g) of the proposed GPO is fully compliant with the consent decree.

Consent Decree ¶ 87. CDP will develop and implement a single, uniform, reporting system pursuant to a Use of Force Reporting Policy. CDP use of force will

be divided into three levels. The three levels for the reporting, investigation, and review of use of force correspond to the amount of force used and/or the outcome of the force.

How does General Police Order, Use of Force Reporting, comply?

Compliant.

- The proposed GPO is exclusively about the Use of Force Reporting policies.
- The three levels of force defined in the consent decree are practically identical to the three levels of force in the proposed GPO.
- The only distinction in the definitions is that, under Level 1 Use of Force, the consent decree allows for exceptions when un-holstering a firearm, whereas the GPO Procedure II(D)(1) does not.

Consent Decree ¶ 88. All officers using or observing force will report, in writing, before the end of their shift, the use of force in a Use of Force Report. The Use of Force Report will include: (1) a detailed account of incident from the officer's perspective; (2) the reason for the initial police presence; (3) a specific description of the acts that led to the use of force; (4) the level of resistance encountered; (5) a complete and accurate description of every type of force used or observed. The use of force reporting policy will explicitly prohibit the use of conclusory statements, "boilerplate" or "canned" language (e.g., "furtive movement" or "fighting stance") without supporting detail.

How does General Police Order, Use of Force Reporting, comply?

Mixed Compliance.

- Procedure II(A) of the proposed GPO states: "Officers shall report uses of force, **except** for de minimis force."
- As for the specific details required to be in a Use of Force Report, the proposed GPO divides the requirements based on the level of force used.
    - Procedure III(A) states that officers using Level 1 and Level 2 Force shall by the end of their tour duty complete an individual Blue Team Use of Force entry providing a detailed report, essentially including the same factors (1-5) described above in the consent decree.
    - Procedure IV (A) requires officers witnessing force or present during a use of force to complete an officer/witness narrative statement, by the end of their tour duty. The statement essentially requires the same factors (1-5) described in the consent decree.

    - Officers using and witnessing Level 3 Force shall comply with all additional directives from the Officer-in charge of FIT. (Refers to FIT GPO.)
- Procedure II(C) of the GPO fully complies with the consent decree with regard to the prohibition of using conclusory language.

Consent Decree ¶ 89. Officers **will** be subject to disciplinary process for material omissions or misrepresentations in their Use of Force Reports.

How does General Police Order, Use of Force Reporting, comply?

Compliant.

- Procedure VI(A) of the proposed GPO is fully compliant with the consent decree.

Consent Decree ¶ 90. Officers who use or observe force and fail to report it **will** be subject to the disciplinary process, up to and including termination, regardless of whether the force was objectively reasonable, necessary, and proportional.

How does General Police Order, Use of Force Reporting, comply?

Compliant.

- Procedure VI(B) of the proposed GPO is fully compliant with the consent decree.

Consent Decree ¶ 91. Officers who use or observe force will notify their supervisors, or ensure that their supervisors have been notified, as soon as practical following **any** use of force. An officer who becomes aware of an allegation of unreasonable or unreported force, by another officer must immediately notify his or her supervisor of that allegation.

How does General Police Order, Use of Force Reporting, comply?

Mixed Compliance.

- Procedure I(A) requires officers to request that their supervisor report to the scene as soon as practical; however, it provides an exception for de minimis force.
- The consent decree, on the other hand, only requires officers to notify their supervisors—rather than request them to respond to the scene—as soon as practical, following **any** use of force.

Consent Decree ¶ 97. For all Level 2 uses of force, the direct supervisor will: . . . f. ensure that a canvass for civilian witnesses is conducted and interview all civilian witnesses. Supervisors will either record the interview or encourage civilian witnesses to provide and sign a written statement in their own words.

How does General Police Order, Use of Force Reporting, comply?

Mixed Compliance.

- The proposed GPO, Procedure IV(C)(1) establishes that civilian witnesses are interviewed and information collected from them. There does not appear to be a requirement that witnesses be canvassed as the Consent Decree requires.
- The proposed GPO states that the interview will be in the form of a written statement or witness narrative if the witness does not agree to a video recording in Procedure IV(C)(1).
- The proposed GPO does not appear to distinguish between the uses of force in laying our reporting requirements for witnesses.

Consent Decree ¶ 97. For all Level 2 uses of force, the direct supervisor will: . . . g. ensure that all officers witnessing a use of force incident by another officer complete a Use of Force Report. Supervisors will ensure that all Use of Force Reports identify all officers who were involved in the incident, witnessed the incident, or were on the scene when it occurred;

How does General Police Order, Use of Force Reporting, comply?

Compliant.

- The proposed GPO, Procedure IV(A)(1) requires that officer witnesses complete a detailed and specific witness narrative statement.
- The proposed GPO does not distinguish reporting requirements for level 2 uses of force. There is however, a specific requirement for level 3 uses of force.

Consent Decree ¶ 97. For all Level 2 uses of force, the direct supervisor will: . . . ensure that involved officers are interviewed separately from one another. Group interviews will be prohibited. Supervisors will not ask officers or other witnesses leading questions that suggest legal justifications for the officers' conduct, where such questions are contrary to appropriate law enforcement techniques;

How does General Police Order, Use of Force Reporting, comply?

Noncompliant.

- The proposed GPO does not mention any specific interview processes for officer witnesses related to any level of use of force.

Consent Decree ¶ 97. For all Level 2 uses of force . . . : i. each investigating supervisor will provide a brief written synopsis to their immediate supervisor, which will be forwarded through the chain of command to the District Commander by the end of the shift on which the force occurred, documenting the supervisor's preliminary determination of the appropriateness of the use of force.

How does General Police Order, Use of Force Reporting, comply?

Noncompliant.

- The proposed GPO does not lay out guidelines on how or when the reports will travel up the chain of command.
- The proposed GPO also does not mention a supervisor's preliminary determination of appropriateness of Use of Force.
- Procedure IV(A)(2) does require that officer/witness statements be submitted to the reviewing supervisor or Officer-in-Charge of FIT for review/signature.

Consent Decree ¶ 118. FIT will: . . . b. ensure that a canvass for, and interview of, civilian witnesses is conducted by FIT team members. FIT members will either record the interview or encourage civilian witnesses to provide and sign written statements in their own words, but will take information from civilian witnesses who have pertinent information even if they refuse to be recorded or refuse to complete or sign a formal statement.

How does General Police Order, Use of Force Reporting, comply?

Mixed Compliance.

- The proposed GPO, Procedure IV(C)(1) states that civilian witnesses may make written statements if they are unable or unwilling to make a video recorded statement.
- The only distinction is that the proposed GPO expresses a preference for video-recorded statements, and the Consent Decree does not.

Consent Decree ¶ 118. FIT will: . . . h. consistent with applicable law, interview all officers who witness or are otherwise involved in the incident. To the extent possible, officers will be separated until interviewed. Group interviews will be prohibited. FIT will not ask officers or other witnesses leading questions that suggest legal justifications for the officers' conduct, when such questions are contrary to appropriate law enforcement techniques. FIT will record all interviews. FIT will ensure that all FIT investigation reports identify all officers who were involved in the incident, witnessed the incident, or were on the scene when it occurred.

How does General Police Order, Use of Force Reporting, comply?

Mixed Compliance.

- The proposed GPO, Procedure IV(c)(1) refers to an Attachment A, which is a detailed narrative statement that must be completed by witnessing officers and includes the information specified in the Consent Decree. This attachment does not appear to be available as of yet.
- The proposed GPO does not, however, mention interviewing officer witnesses or methods of interviewing officer witnesses.

III. COMPARISON WITH NATIONWIDE "USE OF FORCE REPORTING" POLICIES

This section compares the Cleveland Department of Police's (CDP) proposed General Police Order (GPO) governing the use of force reporting with guidelines surrounding the use of force reporting at other police departments. The police departments that this section uses for comparison include Seattle and New Orleans—both of which have entered into consent decrees with the Department of Justice in recent years.

A. Use of Force Notification Guidelines

- GPO requires officers who use or witness force to contact the Communication Control Section and request that their supervisor respond to the scene as soon as practical following any use of force, except for de minimis force.
- This policy seems comparable to other departments.
  - Ex. Seattle requires an officer using force or a witnessing officer to *verbally* notify a supervisor immediately after Use of Force, unless it is not practical; the exception applies for de minimis force. [1]
  - Both the proposed GPO and Seattle's Policy define "de minimis force" similarly.
    - Seattle's Policy defines it as the physical interactions meant to separate, guide, and/or control that does not cause pain or injury.
    - CDP defines it as "the physical interactions meant to guide and/or control a subject that do not constitute reportable force (e.g., use of control holds or joint manipulation techniques that do not cause pain and are not reasonably likely to cause pain; using hands or equipment to stop, push back, separate, or escort a person in a manner that does not cause pain, and are not reasonable likely to cause any pain)."

B. Use of Force Reporting General Guidelines

- Every application of force by an officer is classified according to the following levels:

[1] SEATTLE POLICE DEP'T MANUAL, CH. 8.400: USE OF FORCE REPORTING AND INVESTIGATION (Sept 1, 2015)., available at http://www.seattle.gov/police-manual/title-8---use-of-force/8400---use-of-force-reporting-and-investigation(last accessed 10/22/16).

  - Level 1 Use of Force: Force that is reasonably likely to cause only transient pain and/or disorientation during its application as a means of gaining compliance . . . does not result in a complaint of injury.
  - Level 2 Use of Force: Force that causes an injury, could reasonably be expected to cause an injury, or results in a complaint of an injury, but does not rise to the level of a Level 3 use of force. Includes CEW, OC Spray application, and weaponless defense techniques.
  - Level 3 Use of Force: Force that includes uses of deadly force, uses of force resulting in death or serious physical harm, uses of force resulting in hospital admission, all neck holds, . . . etc.
- Although the levels of Use of Force comply with the consent decree, there are notable differences in other departments.
  - Ex. In Seattle, the GPO states that a sergeant will review the incident and classify it as Type I-III Use of Force. Whereas, the proposed GPO fails to identify who will classify the Level of Force used.[2]
    - Types I-III in Seattle are equivalent to Cleveland's Levels 1-3 of force.
  - Ex. In New Orleans, there are four levels of Use of Force rather than three. The additional level of force is particularly for strikes to the head and/or the destruction of an animal. New Orleans Level 4 is comparable to Cleveland's Level 3 Use of Force.[3]

C. Witness Reporting

The Proposed GPO requires officers who witness uses of force to complete a detailed narrative for review by their supervisor, and to gather from civilians or non-division officers who witness force a video recorded statement or written statement/narrative for review by the supervising officer.

- This policy seems comparable to other departments.
  - Ex. New Orleans requires a detailed Use of Force report to be filled out by witnessing officers as well. There are no requirements for civilian witnesses in their policy[4].
  - Ex. Seattle has stringent requirements for witness officers to report their observations in incidents involving force that is

[2] Id.
[3] NEW ORLEANS POLICE DEPARTMENT OPS. MANUAL, CH. 1.3.6, 9-10 (Dec. 6, 2015), available at http://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Chapter-1-3-6-Reporting-Use-of-Force.pdf/ (last accessed Oct. 22, 2016).
[4] Id. at 2.

Type II or greater. They also require officers to gather information from civilian witnesses[5].

D. Additional Reporting Requirements

- The Proposed GPO includes additional reporting requirements relating to ECW's, canine deployment, and exceptions to reporting the un-holstering of firearms.
- This policy seems comparable to other departments.
  - Ex. New Orleans classifies specific uses of ECW's under different Levels of Force, depending on how it was used. There is no similar canine-related or un-holstering of firearms policy.[6]
  - Ex. Seattle does not have specific reporting policies for ECW's or canine-related force. Both of these uses of force fall under Type II and follow the reporting requirements for that type.[7]

E. Failure to Report Use of Force

- The Proposed GPO emphasizes that officers that misrepresent, omit, or fail to report information related to use of force are subject to the disciplinary process up to termination regardless of the level and appropriateness of the force used.
- This policy seems comparable to other departments.
  - Ex, New Orleans uses the same language as the Cleveland GPO.[8]
  - Ex. Seattle mandates and emphasizes the duty to report different types of use of force, but there is no mention of repercussions such as the disciplinary process (up to termination) related to a failure to report.[9]

F. Heightened Responsibilities for Reporting Exceptional Uses of Force

- The proposed GPO requires officers report in specific detail uses of exceptional or rare force that is against Division Policies, and states that failure to document and explain the facts in these cases carries possible civil and criminal liability.
- This policy is comparable to other departments.

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[5] SEATTLE POLICE DEP'T MANUAL, *supra* note 1.
[6] NEW ORLEANS POLICE DEP'T OPS. MANUAL, *supra* note 3 at 4-5.
[7] SEATTLE POLICE DEP'T MANUAL, *supra* note 1.
[8] NEW ORLEANS POLICE DEP'T OPS. MANUAL, *supra* note 3 at 1.
[9] SEATTLE POLICE DEP'T MANUAL, *supra* note 1.

- Ex. In New Orleans, the GPO has specific guidelines for investigation and reporting of these types of Use of Force.[10]
- Ex. Seattle does not have a comparable policy.

The above analysis was prepared by the Milton A. Kramer Law Clinic.

Reema Abusalah
Rohmah Javed
Legal Interns

Avidan Y. Cover
Supervising Attorney

[10] NEW ORLEANS POLICE DEP'T OPS. MANUAL, *supra* note 3 at 9-10.

COMPARISON OF MONITOR-APPROVED GENERAL POLICE ORDERS ON USE OF FORCE WITH PROPOSED GENERAL POLICE ORDERS AND CLEVELAND COMMUNITY POLICE COMMISSION RECOMMENDATIONS

The following sets forth how the Monitor-Approved General Police Orders (GPO) on use of force, de-escalation, and intermediate weapons, which the Monitor submitted to the United States District Court for the Northern District of Ohio on November 15, 2016, comport or do not comport with 36 Cleveland Community Police Commission (CPC) Recommendations (March 31, 2016). The following also identifies the limited instances where the Monitor-approved policies deviate from the Cleveland Police Department's August 30, 2016 proposals.

For additional explanation of how the Monitor-Approved General Police Orders comply or do not comply with CPC recommendations, one should consult the Milton A. Kramer Law Clinic's September 23, 2016 Memorandum, "Analytical Comparison of Proposed General Police Orders with Cleveland Community Police Commission Recommendations."

CPC Recommendation No. 1. Emphasize in GPO Policy opening statement or "Mission," as well as related GPOs, policies, and training curricula:

1. The "sanctity and preservation of all human life" and treating people with dignity and respect.
2. In Louisville, the Use of Force Policy also affirms the intolerance of any abusive treatment of people.
3. In Albuquerque, the Use of Force Policy also indicates that "officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority." (6/4/2014 – effective)
4. State up front and clearly consequences of an officer's violation of the policy should be stated succinctly, e.g. discipline, termination, and/or prosecution. (See ACLU of Nevada Report on Las Vegas Metropolitan Police Department).

Including language stated in Points 1-4 above brings the statement up to 21st century standards, approaches model policies' mission statements, reaffirms the focus police as guardians of the people, as well as the idea of protect and serve, and uplifts the mandate on community problem-oriented policing and building trust, confidence and legitimacy in the Cleveland Consent Decree.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Mixed Compliance.

Was there any change from the proposed order to the Monitor-approved policy?

Yes.

- The GPO's Policy now states, "Consistent with the Division's mission, including the commitment to carry out its duties with a reverence for the sanctity of human life . . ."

CPC Recommendation No. 2. Incorporate in GPO Definitions for Use of Force, "verbal abuse," intimidation, and/or sexual favors.

How does the Monitor-approved General Police Order, Use of Force: Definitions, comply?

Noncompliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 3. Incorporate in GPO Definitions, explicit language regarding pulling out and pointing of firearms—even when not fired. This is showing use of force. Add in appropriate and relevant sections throughout the GPO. (Also consult SURJ Recommendations, Addenda)

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Compliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No.4. Define and Clarify in current Cleveland "Use of Force" GPO, the definitions for "exigent circumstances" (see, e.g., IV.E.1; IV.F.10.b) and "field force deployment" (IV.E.2)

How does the Monitor-approved General Police Order, Use of Force: Definitions, comply?

Not applicable.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 5. Throughout the GPO—particularly in the Policy, Definitions, and Action Response sections—incorporate language that adopts 21st Century Use of Force principles that maintains police departments should hold a higher standard than *Graham v. Connor*. This law should be the "floor" or minimum standard, not the "ceiling." Use of Force policies, procedures, and practices should go beyond the legal standard of "objective reasonableness," which is "necessary but not sufficient."

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Mixed Compliance.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 6. Incorporate in GPO Policy section language that clearly defines and addresses the fact that objective reasonableness standard is "necessary but not sufficient." This includes consideration of the totality of the facts, as well as the officer's tactical conduct and decisions leading up to the Use of Force encounter. Consideration needs to be given to the role the officer played in creating the risk. This sets a higher "incident continuum" standard versus "the moment" standard. (*See* LAPD Use of Force Policy)

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Mixed Compliance.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 7. Incorporate Use of Force "Proportionality" Standard (PERF, Guiding Principle No. 3).

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Noncompliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 8. Incorporate Use of Force "necessity" standard. This is a DOJ standard.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Compliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 9. Incorporate in GPO, specific protocols for dealing with youth in encounters and developmentally informed Use of Force continuum. *See Addenda for detailed recommendations from "Strategies for Youth" and Gabriella Celeste of the Schubert Center for Child Studies.*

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Non-compliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 10. Incorporate in GPO, specific protocols for dealing with those with physical or mental health conditions, substance abuse and alcohol addiction, differently abled, and language barriers.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Compliant.

Was there any change from the proposed order to the Monitor-approved policy?

Yes.

- Principle IV(E)(6)(1)-(4), Objective Reasonableness now includes,
  - "The influence of drugs and/or alcohol;"
  - "Known or reasonably apparent mental illness, developmental disability, or crisis incident;"
  - "Known or reasonably apparent physical disability or other medical or physical condition, including visual or hearing impairment;" and
  - "Limited English proficiency or other language barrier."

CPC Recommendation No. 11. Incorporate in GPO, specific language that categorizes sexual favors as use of force and forbids police from exposing themselves or demanding sexual favors from the person they are attempting to search, constrain, or arrest, and if they do that they should be gone from the police force. This is sexual violence.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Non-compliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

- On page 21 of the motion recommending approval, the Monitor commented that, "The importance of [the subject of sexual favors] demands a full treatment in a separate General Police Order, both to make clear that professional obligations and standards relating to such areas apply not just when force is used but across officer interactions with the public and to ensure that CPD's revised General Use of Force policy maintains the focus

and clarity that officers and community members routinely urged."

CPC Recommendation No. 12. Incorporate language on what independently will not justify a Use of Force. *See the Albuquerque Use of Force policy for an example.*

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Compliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 13. De-escalation should be clearly stated as the "preferred, tactically sound approach," and matched with appropriate content in training, e.g., proportionality standard, issue a verbal warning, using distance and cover, tactical repositioning, and developmentally informed practices, to minimize the need for use of force.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Mixed-compliance.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 14. Base Use of Force GPO on concept of Critical Decision-Making Model.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Noncompliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 15. Emphasize duty to intervene by officers "when they believe another officer is about to use excessive or unnecessary force," report the incident immediately to a supervising officer, and develop and add explicit measures and processes for accountability for officers.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Compliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 16. Strictly prohibit moving in front of a moving vehicle or high-speed chases of people who have no basis to believe or suspect a felony or immediate threat. (See Milwaukee Section 660 Vehicle Pursuits policy).

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Compliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 17. Incorporate protocols and/or prohibitions on Use of Deadly Force on fleeing and mere suspicion and foot pursuits; firing into a crowd; in cases of misdemeanors, etc.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Mixed Compliance.

Was there any change from the proposed order to the Monitor-approved policy?

Yes.

- GPO outlines the use of Deadly Force in fleeing under Procedures II(C) (1) and II(C)(2).
  - "C. Deadly force may be used to prevent the escape of a fleeing suspect only when an officer would reasonably believe, under

the circumstances, that it is necessary, and there is probable cause to believe that: 1. The suspect is in the process of committing or has committed a violent felony involving the infliction or threatened infliction of serious physical harm or death and the suspect would pose a continuing imminent threat of serious physical harm, either to the officer or others; OR 2. The escape of the suspect would pose an imminent danger of death or serious physical harm to the officer or to another if the suspect is not apprehended without delay."

- The Monitor- approved policy has removed from this section: "3. AND in either situation, where feasible, some warning has been given."

CPC Recommendation No. 18. Once someone is detained, force is no longer needed. Use of Force against those already restrained, e.g., in handcuffs, should be strictly prohibited and result in immediate suspension, up to termination.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Noncompliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 19. Prohibit use of deadly force against individuals who pose only a danger to themselves.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Noncompliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 20. Prohibit use of strangle-and choke-holds, and hog-tying as a form of restraint. REPLACE the current language in the Cleveland GPO under Deadly Force on page 2 of 15 with this explicit language: "that restricts the blood or oxygen flow through the neck."

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Mixed Compliance.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 21. For additional explicit detailed recommendations on children/youth and Use of Force, see Addenda, Exhibits D and E.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Noncompliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 22. Prohibit Use of Force in the enforcement of unconstitutional laws or abridgment of constitutional rights of non-violent free speech and assembly, such as what T-shirt a person is wearing, leaving literature on cars, etc.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Compliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 23. Document Use of Force incidents and review to make sure fair and non-discriminatory. *Reference Bias-Free Policing GPO.*

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Mixed Compliance.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 24. Issue quarterly reports on Use of Force to the public.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Noncompliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 25. Critical police incidents and Use of Force investigations should be reviewed by independent specially trained personnel.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Noncompliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 26. Establish transparency as a standard in Use of Force incidents, releasing information regarding the critical incident to the public as quickly as possible, while indicating the information is preliminary.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Noncompliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 27. Incorporate in GPO, Investigation of Use of Force, the requirement to compare written reports with body cameras, dashboard cameras, etc.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Noncompliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 28. Include in GPO, with regard to the Investigation of Deadly Force, the role of the Office of Professional Standards.

How does the Monitor-approved General Police Order, Use of Force: General, comply?

Noncompliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 29. Affirm de-escalation as the preferred approach, including verbal warnings, distance and cover, and tactical withdrawal. Use of force should be the last resort. (See also PERF Guiding Principle No. 4 - adopt de-escalation as formal agency policy)

How does the Monitor-approved General Police Order, Use of Force: De-Escalation comply?

Mixed Compliance.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 30. Place a premium on providing immediately the most updated, state-of-the-art training, that focuses on de-escalation, decision-making, and accountability. (PERF 4, Officers must be trained in these principles, and their supervisors should hold them accountable for adhering to them)

How does the Monitor-approved General Police Order, Use of Force: De-Escalation, comply?

Mixed Compliance.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 31. De-escalation should be clearly stated as the "preferred, tactically sound approach" and matched with appropriate content in training, e.g. proportionality standard, issue a verbal warning, using distance and cover, tactical repositioning, and developmentally informed practices, to minimize the need for use of force.

How do the Monitor-approved General Police Orders, Use of Force: General and De-Escalation, comply?

Mixed Compliance.

Was there any change from the proposed orders to the Monitor-approved policies?

No.

CPC Recommendation No 32. Incorporate the most updated Use of Force Continuum that provides an affirmative statement of de-escalation and situates Use of Force as rare and only to be used in extraordinary circumstances.

How do the Monitor-approved General Police Orders, Use of Force: General and De-Escalation, comply?

Mixed Compliance.

Was there any change from the proposed orders to the Monitor-approved policies?

No.

CPC Recommendation No. 33. De-escalation should be a core theme. Officers should NOT escalate the situation themselves. (See also PERF Guiding Principle No. 17)

How do the Monitor-approved General Police Orders, Use of Force: General and De-Escalation, comply?

Compliant.

Was there any change from the proposed orders to the Monitor-approved policies?

No.

CPC Recommendation No. 34. De-escalation starts with effective communication. Should include basic negotiations and how to communicate in multiple everyday situations in interactions with the public. (*See also* PERF Guiding Principle No.18)

How does the Monitor-approved General Police Order, Use of Force: De-Escalation comply?

Compliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 35. Once someone is detained, force is no longer needed. Use of Force against those already restrained, e.g., in handcuffs, should be strictly prohibited and result in immediate suspension, up to termination.

How does the Monitor-approved General Police Order, Use of Force: Intermediate Weapons comply?

Noncompliant.

Was there any change from the proposed order to the Monitor-approved policy?

No.

CPC Recommendation No. 36. Train that an ineffective CEW deployment does not mean an officer should immediately resort to a firearm.

How does the Monitor-approved General Police Order, Use of Force: Intermediate Weapons comply?

Noncompliant

Was there any change from the proposed order to the Monitor-approved policy?

No.

The above analysis was prepared by the Milton A. Kramer Law Clinic, Case Western Reserve University School of Law.

Reema Abusalah
Daniel Carravallah
Seth Garfinkel
Rohmah Javed
Nicole Triola
Legal Interns

Avidan Y. Cover
Supervising Attorney

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