

CLEVELAND COMMUNITY POLICE COMMISSION (CPC)
ELIZABETH BAPTIST CHURCH
MEETING MINUTES
OCTOBER 28, 2015

ATTENDEES: Anthony Body, Craig Boise, Kathy Clegg, Mario Clopton, Yvonne Conner, Lee Fisher, Lynn Hampton, Tim Higgins, Amanda King, Stephen S. Loomis, Max Rodas, Dylan L. Sellers, Rhonda Y. Williams

STAFFERS: Sylvia Pérez, Cleveland Foundation; Sharyna Cloud, City of Cleveland

Meeting called to order at 5:35pm.

WELCOME

Pastor Gibson opened the meeting by greeting the audience and thanking the Commission for their dedication and work.

CPC BYLAWS

The Commission unanimously approved a motion to defer the approval of the CPC bylaws to a later meeting, due to ongoing discussions about the current draft.

SUMMARY OF PREVIOUS MEETING AND APPROVAL OF THE MINUTES

Mr. Clopton, Co-Chair, summarized highlights of the Oct. 14th meeting. The minutes of the Oct. 14th meeting were approved as submitted.

ANNOUNCEMENT OF REGULAR MEETING SCHEDULE & LOCATIONS:

Dr. Williams, Co-Chair, announced the CPC full meeting schedule through the end of 2015 and shared that the 2016 meeting dates were in the process of being confirmed. CPC meetings venues are located on both the east and west sides of Cleveland to provide equal access and opportunity for participation of Cleveland residents throughout the city.

The remaining CPC meetings, through the end of 2015 are:

- Wednesday, Nov. 11th – Cudell Recreation Center, 1910 West Blvd. Cleveland, OH 44102
- Thursday, Dec. 3rd – Trinity Cathedral 2230 Euclid Ave. Cleveland, OH 44115
- Thursday, Dec. 17th – Westside Community House, 9300 Lorain Ave. Cleveland, OH 44102

Dr. Williams commented that copies of the following documents were available as handouts for attendees: 1) Commission member bios of the Commission; and 2) a working draft of potential revisions to Chapter 25 of the City of Cleveland Charter (the section pertaining to the Police Review Board).

CO-CHAIRS REPORT:

The Co-chairs updated the rest of the CPC on meetings and actions that have taken place since the last meeting. They shared the following:

- The Co-chairs are working to schedule a meeting with Chief Williams, head of the Cleveland Division of Police.
- The Co-chairs scheduled a meeting with Damon Scott, Office of Professional Standards and Tom Jones, the Chair of the Police Review Board. They will be meeting to discuss their views on how the Police Review Board is working and where it could be improved. Their perspective will be

taken into consideration as the CPC continues to research and explore its recommendations on changes to Chapter 25 of the city's charter.

- Dr. Williams provided each CPC member with a copy of *The New World of Police Accountability*, 2nd Edition, by Samuel E. Walker and Carol A. Archbold.
- Interns at Nueva Luz and the LGBT Diversity Center have volunteered to support the CPC's work. They will produce an outline of the Consent Decree and conduct policy research.

In response to the Co-chair update, Commissioners expressed appreciation for the interns' support. They inquired as to whether, in addition to the aforementioned deliverables, it would also be possible if the interns could include the following topics in their policy research:

- Bias-free policing practices within the scope of Ohio Laws and what's happening in the country.
- LGBT interactions with the police, specifically those of trans-individuals that includes an analysis of protections provided through local ordinances, state statutes and federal laws serving.
- Children's perspective on police interactions and related bias.

COMMITTEE REPORTS

Budget, IT and Infrastructure Committee

Rev. Rodas, Co-chair of the committee, provided the Budget, IT and Infrastructure Committee report. Highlights of his report included the following updates:

- The committee submitted a FY15 budget request to the City on Oct. 21. The request is for \$21,687, representing a modest estimate of financial needs through the end of the year. The budget included a request for: speakers, microphones and wiring (\$2,500); projector screen, projector and wiring (\$1,000); email accounts (\$700); a consultant/writer (\$7,000); and dues for NACOLE membership (\$400).
- The committee is developing an FY16 budget proposal, which is due to the city on Nov. 18th

Communications Committee

Mr. Clopton provided the Communications Committee report. Highlights of his report included the following updates:

- The CPC twitter handle is @216CPC. It is now live and active.
- The interim CPC email is 216cpc@gmail.com. This will serve as the Commission's email until they get a dedicated domain and individual emails in place.
- The CPC phone number is 216-755-4CPC (4272)
- The CPC is working to gather the material needed for the CPC website. The website will include meeting agendas and materials, resources regarding 21st century policing, meeting schedules, and the by-laws. It will also include the committee and any work group meeting schedules, and the town hall meeting dates.

CPC meetings, including the committee, work groups, and town hall meetings, are open to the public.

Community Outreach and Engagement Committee

Rev. Conner and Mr. Sellers, Co-chairs of the Committee, provided the Community Outreach and Engagement and Outreach Committee report. Highlights of their comments include:

- The committee met on Oct. 21st and its next meeting is on Sat. Nov. 7th at Langston Hughes Library.
- The first town hall meeting will be on Nov. 16th at Antioch Baptist Church, from 6pm to 8pm
- The committee encouraged CPC members, committee members, and the community to attend Police District Committee meetings as an act of due diligence and to understand the issues at hand.
- In anticipation of the announcement of the Tamir Rice case, the committee proposed that the agenda of the Nov. 11th full commission meeting be reformatted as a community forum in anticipation of, and sensitivity to, the community's need to respond to the announcement. The change in format would also serve to recognize the significance of the meeting venue to the city-wide dialogue about community-police relations. The committee proposed to hold a business meeting for the first 30 minutes and allocate the remaining time to a community forum.

The CPC discussed the Community Outreach and Engagement Committee's proposal to repurpose the Nov. 11th commission meeting as a community forum. The commission accepted the notion that the CPC must balance the need to respond to immediate community needs and the need to complete the work of the CPC by the deadlines mandated in the Consent Decree. The Commissioners debated various approaches to establishing this balance during the Nov. 11th meeting. The discussion addressed:

- The pros and cons of an open community forum, during which community members could discuss any topic, and a structured community forum, during which community members would be asked to connect their experiences with the Tamir Rice case to the deliverables of the Commission.
- The pros and cons of various time allocations and agenda order, specifically a 90 minute/90 minute split with the CPC business addressed before moving into a community forum; a 90 minute/90 minute split with the community forum preceding the CPC business meeting; and the original proposal for a 30 minute business meeting followed by 2.5 hours of public comment.
- The question of whether there was the possibility of establishing an unintended precedent regarding how the CPC will directly acknowledge other victims of police violence, or police officers killed in the line of duty, based on meeting location.
- The possibility of using the Nov. 16th community forum to ask the community targeted questions pertaining to the CPC's pending deliverables, so as not to fall behind on the CPC's work plan.

At the conclusion of its discussion, the CPC decided to reorganize the Nov. 11th meeting as a business meeting and a community forum. The following resolution was unanimously approved.

RESOLVED, that the agenda for the Nov. 11th meeting will be formatted as a business meeting and a community forum. If there is no decision about the Tamir Rice case by the date of the meeting, there will be 90 minutes of public comment followed by 90 minutes of CPC business. If a decision about the Tamir Rice case is announced, the Nov. 11th meeting will begin with 2.5 hours of public comment, followed by 30 minutes of CPC business.

Ms. Clegg provided the Policy and Procedures Assessment Committee report. Highlights of her report included the following updates:

- The committee met on Oct. 22nd.
- The committee would like to be a committee of the whole with the following work groups: 1) Police Review Board; 2) Bias-free Policing; and 3) Use of Force. Each CPC member would serve on at least one of these work groups. The work groups would be open to the public with time built into meetings for general public comment. A select number of non-commission members would serve as invited members of the work group. The work of each work group will be presented to the full CPC for discussion and approval as an official CPC recommendation at its regular Commission meetings.
- Co-chairs of the committee were not selected during the meeting due to too few committee members being present. Current volunteers for the chair role include Mr. Fisher and Dr. Williams. Others are invited to volunteer for the positions.

Following the committee report, the CPC unanimously approved the following resolution.

RESOLVED, the Policy and Procedures Committee will be a committee of the whole. Dr. Williams and Mr. Fisher will serve as the co-chairs of the Policy and Procedures Assessment Committee.

The CPC then reviewed a working draft of potential revisions to Chapter 25 of the City Charter: the section pertaining to the Police Review Board (PRB). The draft was composed and presented by Dr. Williams. It was based on national models, best practices, and community input regarding civilian review boards of police departments. It also incorporates revisions mandated by the Consent Decree, examples from other cities, and recommendations from Cleveland community groups. Community members were encouraged to share their thoughts on the draft during the meeting's public comment period. The PRB working group will consider all feedback at its future working group meetings.

Dr. Williams reviewed the draft by section. The CPC discussed each section and presented questions and comments for the PRB working group to explore. The comments were as summarized.

- Section 115-2
 - The CPC intends to explore with Mr. Damon Scott why there is a substantial backlog in citizen complaints and if that backlog could be alleviated by a larger membership body on the police review board and/or an increase in the number of police investigators.
 - Should the PRB include public employees? Based on national research, the general sense is that by excluding public employees from the PRB, other cities were trying to reduce conflict of interest. More research will be conducted to explore this question.
 - If a community member is not active in the community or known by an appointing authority, how can they apply or be recognized as a candidate for the PRB?
 - Do appointing authorities of the PRB also have the authority to remove their "appointee" from the PRB?
 - How are complaints to the PRB routed?
- Section 115-3
 - Currently, when there is a use of deadly force, the OPS team is present at the crime scene. OPS is the investigation branch of the Police Review Board.
 - The PRB or OPS should also be required to communicate with the officer under investigation.

- Some cities have a system for filing compliments. This is a best practice that could benefit Cleveland's community-police relations and should be explored further by the working group.
- Gender neutral language should be essential.
- Investigative training for PRB members needs to take into consideration the difficulty of the process. Quality training will require dedicated resources and time.
- Could a training of PRB members include not only investigative skills, but also exposure to the daily experiences of a police officer?
- Section 115-4
 - OPS and the PRB should be advised when police officers receive compliments and that those compliments are tracked in a process that parallels those of complaints. Compliments should not be investigated, rather tracked as data to support evidence-based decision making and communicated to the public.
 - The OPS needs more staff and investigators.
 - OPS could also have satellite offices (other than the police department) in communities to facilitate more engagement and places to file complaints.
 - Is the citizen review board the appropriate mechanism to collect and track compliments?
 - What is the best practice around the decision-making process from moving a complaint to a full investigation?
 - Is the PRB the right place to house the officer's compliments? Would this be a distraction from investigations that have to be done on officer misconduct?
 - In Cincinnati, the complaints and the compliments are filed in the same office, OPS, and it has been working remarkably well.
 - OPS' collection and reporting of compliments increase positive feedback for the CDP and would incentive police officers to get out of their cars and engage with civilians.

FUTURE MEETING AGENDA ITEMS

Commissioners suggested the following items for inclusion in a future CPC meeting agenda.

- The selection of CPC representatives for the Community Relations Board and the training working group established in the Consent Decree. It was noted that Ms. Clegg had started to attend the Mental Health Advisory Board. The CPC was in agreement that she should continue to attend as the official representative of the CPC on the advisory board and should report back to the CPC.
- Review of social media engagement by CPC members to date, on behalf of the Commission.
- Question raised regarding when, during the current meeting, Commissioners will address informing and/or issuing an invitation to the Tamir Rice family for its next full Commission meeting and potentially an opportunity to speak.

PUBLIC COMMENT

- Proper acoustics and enunciation at the public meetings will significantly help the CPC communicate its messages to meeting attendants and the media.
- The PRB appointment process is critical. It needs to be bias-free and ethical.
- Point was made that saying Black Lives Matter does not mean that Blue Lives don't matter, and that saying otherwise was viewed by some as "ridiculous" and counterproductive.

- The CPC was thanked for their service and effort. Comments shared at the last meeting helped advance an investigation that was previously stalled in the backlog of OPS cases.
- Attendee said that being able to listen to the Commission speak and conduct its business in the way she has tonight begins to restore her faith that maybe change could happen.
- Do you have a website?
 - We are in the process of getting one developed.
- Are residency requirements being re-considered as a requirement for employment as a member of the police force? The issue of relationships between police and citizens is very unstable and fragile right now, and when you bring in someone who does not have the cultural experiences, or they are coming from places that don't have similar areas of cultural diversity or an educational system, this can cause greater concern or potential instability.
 - The CPC does not have jurisdiction to affect residency laws. Nor does that CDP because it residency laws are regulated by the state. The current law states that police officer must live in the county or a contiguous county to the police force on which they serve.
- Perhaps the city could consider offering incentives to attract Cleveland residents into the police force. Officers that don't have the cultural experience of living in the city they serve creates immediately boundaries between residents and officers that can be potentially fatal.
- Are the cities we are researching for best practices reflective of the demographic and socio-economic diversity of Cleveland, school systems included?
 - There is no one city that is exactly like Cleveland, nor whose police reforms can be exactly replicated. We use our findings as examples that we will adjust to addressed Cleveland's specific needs, if deemed appropriate.
- Support was expressed for inviting the Rice family to the 11/11 meeting. The unique timing of the meeting, relative to the decision, will prevent such an invitation from setting an unintended precedent. This would show grace and openness.
- The Police Review Board's report of activities hasn't been updated since February 2015.
 - In 2014, there were over 400 complaints, with less than 10 cases that reached a resolution.
- Currently PRB members serve four-year terms and there are no term limits. One of the members of the review board has served under three Mayors and there are others that have been on the board for more than a decade. The implementation of term limits, as one of the reforms, would strengthen the board.
 - Term limits for PRB members may be a way to insure the introduction of new ideas and perspectives, as to avoid acceptance of the status quo.
- Appreciation was expressed for the inclusion of complaints for on- and off-duty police officers in the working draft of the PRB charter, because an increasing number of incidents involve an off-duty officer. (For examle, Kenny Smith and Dan Ficker)
- If an investigation by the PRB or OPS determines that allegations are criminal, it should be sent to the city's law department or at least to a judge for a probable cause investigation, instead of to the Director of Public Safety. Currently, cases suspected of criminal allegations are sent to the Director of Public Safety.

- The CPC should consider how information about cases is presented to the PRB, because the presentation (who presents and the format of the presentation) affects the PRB's perception of the case.
- The timing of when OPS gets involved with a case needs to be clarified. Is it, in fact, at the moment of the incident of use of force? A flow chart would be helpful to visualize the process of OPS' involvement in cases involving uses of deadly force.
 - In the cases of use of deadly force, OPS, the Chief of Police, and the Safety Director come out to the scene.
- It's hoped that the CPC can conference, either in person or telephonically, experts from around the country related to the PRB structure.
- The issue of accountability and transparency of the CDP needs to be addressed by the CPC. It may need its own working group on technology. Seattle's CPC established a technology working group to address the role of technology in accountability and transparency efforts. Commission should look into the issue of transparency as it relates to, for instance, the mobile data units in the cruisers, videotapes from the body cameras, the purchase of the Early Intervention System (EIS, I-Pro) program.
- Positive and negative compliments need to be tracked. It will help officers understand that positive community feedback will also impact their performance reviews and career advancement. The Collaborative for a Safe, Fair and Just Cleveland suggested incentivizing. Officers should be able to know the disposition of the complaints.
- Will there be a system within the civil review board where an officer conduct and board member review process will take place? A conduct review would include not only in-person interactions, but also personal associations and e-profiles (social media, blogs, etc.). Transparency about professional and personal associations will help the public understand bias influencing the process.
- While diversity on the PRB is important, it should include unaffiliated members – no category, and no ties. Speaker's rationale: Some of these organizations have been longstanding, and faith in certain organizations might be slim, because we are where we are now even with having them in place. Felt non-affiliated members will help sustain the integrity of the board.

Mr. Hampton invited Dave Hammons, a member of OPS present at the meeting, to address the CPC and any comments raised during the public comment period. Mr. Hammons commented that the OPS is equally passionate about the issues that the CPC discussed tonight. In an effort to clarify any process issues, he offered to take questions from the CPC.

- Q: How does Mr. Hammon feel about the quantity of caseloads within OPS?
A: There is no entity in the city that could not use more manpower to increase its effectiveness and efficiency. OPS is currently doing everything it can to logically streamline and fairly clear the backlog of cases.
- Q: How are complaints received by the OPS?
A: When a complaint arrives at OPS, it comes by a walk-in, US mail, through a district office (transported to OPS through interoffice mail), or a complaint form. All complaints are logged and categorized. After complaints are administered, it is referred to an investigator.

TAMIR RICE

The Commission returned to the discussion of whether or not it would submit a special invitation to the Tamir Rice family to attend the Nov. 11th meeting. It is the hope of all CPC members that the Rice family will attend the upcoming meeting, and it was agreed that any member of the commission was welcome to invite Ms. Samaria Rice to the 11/11 meeting as an individual, or as a collective of individuals. However, discussion was had about whether the CPC should submit an invitation on behalf of the official entity, because of the question about whether it would set an unintended precedent or be perceived as using the Rice family's experience, and news, for alternative purposes. Some agreed with this argument, others did not. The suggestion was made that if individual commissioners wanted to get together, as individuals, to write a letter or inform and invite the family, they could personally do that. The ongoing discussion reiterated the above points, until a resolution was offered.

The following resolution passed by majority vote (one opposed, two abstentions):

RESOLVED, that Commissioners who wish to invite particular people and families to the next public meeting can do so, as they do so as individual actors and not on behalf of the official CPC.

Meeting adjourned at 8:34 p.m.