

Cleveland Community Police Commission (CPC)
Full Commission Meeting Minutes
Wednesday, January 27, 2016

In attendance: Kathy Clegg, Mario Clopton, V.Y. Conner, Lee Fisher, Lynn Hampton, Tim Higgins, Dylan L. Sellers, Rhonda Y. Williams

Absent: Anthony Body, Craig Boise, Amanda King, Steve Loomis

Staffer: Sharyna Cloud

Called meeting to order 5:45 p.m.

Minutes

Co-Chairs Report:

The following reflects the prepared statement -- 1-27-2016 Co-Chairs Report -- read into the record.

Meeting Schedule Adjustments

In an effort to accommodate everyone's schedule and also to eliminate having to spend more time finding alternate locations, we will be making the following meeting schedule changes:

- The confirmed dates for Full Commission meetings are:
 - Wednesday, February 10th
 - Tuesday, March 15th
 - Tuesday, April 19th
- Town hall Meetings schedule adjustment
 - Wednesday, March 9th
 - Wednesday, April 13th

Moving Wednesday meetings to Tuesday may cause new absences but it's worth seeing if we can make our meetings available to as many of us as possible.

A doodle survey should be sent to the Commission for availability for May-September meetings. Then, I'd like to consider the Monitoring Plan due dates when we hold meetings so that we are pre-empting significant due dates with a Full Commission meeting.

Reminder: 10 Commissioners present is recognized as a quorum. Given recent resignations we may want to rethink that language to be more effective i.e. we must have $\frac{3}{4}$ of current membership present for a quorum.

PRB/OPS Update

- In December we learned the City's version of the legislation had been introduced at the City Council meeting on Monday, Dec. 7 – without having received the CPC's recommendations. The Stakeholders including the City Law Department, the Monitor Team, and the Department of Justice met in early January to discuss the “reset.”
- The emergency ordinance that has been introduced to City Council to our knowledge will be tabled. And the Monitor has kept their word in assuring the CPC WILL have opportunities to present its recommendations and have meaningful, substantive dialogue and input on the proposed charter amendments with the City, City Council, and others.
- The most current part of the Monitor plan states that “The City will circulate comments on the CPC's proposed changes to the Charter Amendment by Feb. 16. The Parties, CPC, Monitor, and other stakeholders that all of the Parties, CPC, and Monitor agree should be included, will meet to discuss the proposed changes to the Charter Amendment no later than March 30.
- A proposed ordinance to place a Charter Amendment on the November 2016 ballot will be provided to City Council by the City for introduction and debate by June 1st.
- We thank Matthew and the Monitoring team for making sure the CPC's recommendation are considered as required in the consent decree.

Max's Resignation

- On January 11th Max Rodas sent the CPCC co-chairs an email making us aware of his resignation due to “[his] inability to put in the time that is necessary to do an adequate job.”
- The co-chairs of the Commission and Matthew of the Monitor team reached out to Max in the hopes we could get him to reconsider his resignation. With regard to his resignation, the process for another appointment is outlined in the consent decree and is controlled by the Mayor through the Selection Panel. We know no more information as to that process as of now.
- This Commission is hard work. Each of us has something to bring to the table. Mario Clopton said, “I will personally miss Max. If you're struggling with the work or not feeling optimistic, talk to the co-chairs. I've had my exhausted moments too. But the work we are doing, is important and each of us is important to the process.”

Retreat

- The retreat date is set for Saturday, February 20th
- The facilitator we are interested in selecting is Dr. Jacquie Mclemore, she specializes in organizational training and partnerships.
- She will be reaching out to each Commissioner individually to seek input about your experience on the Commission. This survey will help to guide the work and discussion in the retreat.
- The objectives of the retreat will be sharpened as a result of the survey feedback but on a big picture way the goal is “Strengthening communication and information increases the likelihood that both concerns and innovative ideas get shared and vetted more easily.”
- Understanding what Commissioners consider successes and challenges early in your shared history provides clearer direction for staying on course.

Committee Updates

Community Outreach & Engagement Committee Report

Rev. Yvonne shared that:

- The informational “overview” document on the CCPC is ready for Commissioners to use.
- commissioners have gone out to District Police Council and Ward meetings.
- a couple of Saturdays ago, Dr. Rhonda and Rev. Yvonne shared a presentation with the NEOBHC’s “A Local Conversation on the DOJ.”
- All total contacts: about 200 people.
- Another Town Hall will be held on Feb. 18 on Bias-Free Policing. The Bias-Free Work Group will put that town hall together. The next town hall after that will be held on March 9.

Mario then gave an update on the Town Hall in January. Gabriella Celeste presented at the Town Hall. Several of the children gave personal testimony, including one young person who asked about the police and Tamir Rice case, and overreach of the police force. Mario saw the response by police as a lost opportunity to reach and engage young people. Stated that we need to hold more discussions that focus on youth/young people.

The Monitor Plan

Dr. Rhonda outlined the process of the Monitor Plan and discussion ensued.

- A Commissioner asked about the suggested changes that she drafted to be included in the revised Monitor Plan. It was asked what kinds of survey tools the Monitor Team was seeking for assessment. How sophisticated? Should it be an academic method of performing a survey or something simple like an excel sheet.
- A participant expressed concern about \$5 million going to the Monitor Team when there existed other community needs. The participant also expressed concerns about U.S. Attorney Steven Dettelbach.
- A participant expressed concern about an investigation into an arrest, and not being able to get any information on where the investigation presently stood. With regard to this case, she raised the context of the Ohio Crime Victims Act, and her concerns with regard to how the defendant was treated based on her understanding of the OCVA, particularly with regard to issues of how to treat those put in custody. In response, a Commissioner asked if she knew what policies and procedures this case might impact, particularly as it related to the Commission’s policy focuses.
- A participant asked whether the Commission has any power to initiate a for House Rehab and Crime Prevention Program. CPC Responses: The CPC has no power to initiate such a program. Another commissioner explained the importance of the Cleveland Division of Police taking a community problem-oriented policing approach, because “we cannot arrest our way out of any problem.” He stated that he looked forward to working with

community groups, providing job placement, job skills, and making the community much better, and gave the example of the “weed and seed” program in which the CDP worked with community members and CDCs etc.

- A participant stated that she was wrongfully arrested and has been suffering the repercussions of that ever since. She prayed that someone would provide her help to look into her case and right what she saw as serious wrongs done to her.
- A participant stated the excessive force process has a great flaw in it, and raised concerns about her own case in which she felt she was falsely labeled in the police database as mentally ill and mistreated. She said that the District 5 police refuse to come out and take her reports of home break-ins, and ended by saying she hoped Det. Loomis was removed from the Commission because she felt she had been humiliated by him.

Dialogue -- Inspector General Job Description

Dr. Rhonda gave a summary of our CPC recommendations for the IG job description, and Commander Heffernan was welcomed as a guest.

Commander Heffernan commented that our initial draft contained qualifications that may be too restrictive. For instance, having no immediate family as officers for the Inspector General position may be too limiting. With regard to the requirement for the IG and legal expertise or standing as a lawyer, it may be restrictive to say the Ohio bar. Finally, with regard to the concern expressed by Commissioners and the public, Commander Heffernan responded that according to the Consent Decree, the chain of command is to chief.

Discussion ensued.

- **Question:** Where will the IG be located?
Answer: The IG will be housed out of City Hall. That office will have several auditors as assistants to the IG. There is a staff in place already that will be used. The IG will not hire their own staff.
- **Question:** So the IG would not be hiring their own staff?
Answer: Commander affirmed this was correct.
- **Question:** With regard to the existing staff, who do they currently report to?
Answer: The Finance Department.
Comment: A Commissioner stated that there needed to be more clarity around that, and that the IG should be able to hire to facilitate bringing in some new ideas that come with new people coming, as well as bring new perspectives on the very sensitive areas that we are dealing with with the CPC
- **Question:** A participant asked if the police plan on having training for interacting with persons differently abled?
Answer: There is some training but more/different training may occur as a result of the

reforms within the consent decree.

- A participant would like to see a list of people, black and poor people, who are getting money as a result of consent decree reform.
- **Question:** Will the IG be an oversight agent for the police?
Answer: The IG should have oversight over all of the City. The policing should be equal in all parts of the organization.
- A participant commented that he had an issue with being arrested and not being treated properly.
- A participant expressed how bad the people are hurting, and that the process of police reform doesn't make sense when some of the changes are common sense "in front of you and you can't see it... I don't understand why this is so hard... They [police] broke all kinds of policies and it's ok.?" She discussed her three godchildren who were mistreated by police in Slavic Village and the unfair treatment by a local judge. "We are hurting. We need to heal. And the police force is not helping that ... From the mayor on down they need to be gone ..."
- A participant asked who is going to monitor whether people have psychological testing to make sure they are bias-free. Will there be a regulation for that.
- A participant commented that it's an insult to the people of Cleveland to have the IG oversee the Police and also report to the Chief of Police.
- A participant said the CPC should actually resist/boycott the appointing of this position, and that if the CPC is going to recommend criteria, provide it, but also say it does not agree with the chain of command and boycott. If the CPC decides to move forward, then the CPC should add a community component as part of the vetting process where ordinary citizens get to the question the candidates for that position.
- **Question:** A commissioner asked the speaker, who should the IG report to, if not the Chief?
Answer: According to the Brennan Center, and even Judge LaDoris in Portland, maybe the IG should report to the mayor. There have been thoughts about having it split in Cleveland, between the Mayor and City, but with the politics here, it is not like there would be a real balance of power. People really don't think the city council is independent.
Comment: A Commissioner also agreed that it might be good for the IG to report to the Mayor, or have it split. That this would be better than having the IG report to one person.

Bias-Free Policing Work Group

- The work group chair explained what this work group is about, its mandate, and focus on trying to recommend bias-free policing policies and practices. He, then, debriefed about

the town hall meetings and the focus on:

- Bias-Free Policing *with regard to* encounters with the public
- Bias-Free Policing *with regard to* analysis of the potential disparate impact of policies on diverse communities
- Bias-Free Policing *with regard to* all management practices and organizational culture, recruitment, advancement
- Bias-Free Policing *in the context of* training

Discussion ensued.

- **Question:** A participant asked will the CCPC be meeting with the Cleveland Hearing & Speech Center? Will there be training on how to deal with differently abled? Can we ask the city for CPA, ADA 504 compliant training? Will there be interpreters or an interpreting agency available for those arrested through the Police Department? Will there be training with regard to persons with different mental, physical, blind, deaf capabilities. The participant also mentioned researching and learning more about HB 38 with Bill Patmon as the sponsor, and the Deaf and Hard Hearing Unit in Washington, D.C. Expressed that he had spoken with Chief O'Neill, County Councilperson Conwell, County Councilpersons Conwell and Zone, and wanted to know whether they have a plan for people with a disability? Finally, the participant asked about providing access to video phones.
- A participant shared her story and that of her brother who was shot five times in the back while he was running away and died as a result of lethal use of force with the police. "I'm not saying he was an angel, but he was a human being and didn't deserve that." She mentioned her father was an officer for 30+ years and her sister is a police officer.

She questioned whether training would be effective, because police have had training and "they are still killing people." She recognizes Det. Hampton as someone the community respects, and says, "If he can do it, why can't they do it?" She stated that the training needed to emphasize that on the scene, police officers need to be objective. "One of the biggest things in the black community, white officers don't know how to deal with black people... Check the accuracy of the information they are putting on the police report, because it could mess you up later," even with expungement. She urged, "Tell them to put the training into practice." And she stated, "Watch out for Badge #1654 Lucarelli," who she says caused to be brought against her a false indictment.

- A commissioner responded that the Chief is willing to do some updating on psychological testing and recognized it is "antiquated." He stated that as he mentioned in the bias-free meeting, cultural sensitivity training has been neglected for the last 15 years. "We are feeling the repercussions of that right now. Out of sight, out of mind." He also said that the hiring process is something that definitely needs to be looked at. African American males are 23% of the force. He continued that the Black Shield is trying to help black candidates to get them ready before they take the civil service test, and how they should engage with the community. Stated that police officers need a better

understanding of the constitutional rights of the people, and the community itself should have a better handling on their own rights.

- A participant spoke and said with regard to “bias-free,” everyone has biases. That what we need to consider is what is motivating our officers to get into the service of protecting and serving to begin with? Training won’t help if you come with a different motivation, to get your armor [referencing guns and shooting]. This is not just political, but about justice, and mentioned that the arc of justice is long, “400, no really 4000 years ... of enslavement.” He stated that in this arc of justice, “we can’t just punish people for doing something that they don’t even know we are a part of ... We don’t want retributive justice, but work more toward restorative justice.” Referencing the IG coming, he asked will he[/she] be biased toward the police, or toward the community? Can they be biased toward restorative justice? Be independent, look independent and report to the people. We don’t want to use this time and it not be fruitful.
- A participant, former military, shared he has a medical condition. He spoke on behalf of the CPC, supporting its request for concrete recommendations, saying “They are here representing us where we can’t represent ourselves.” He asked the audience to stay on task and topic. He stated that he’s seen the good sides and bad sides enough to be able to comment. He raised the issue of training, and asked specifically about whether diversity training would be included and who would be delivering it? He asked about whether there would be training on self-control and/or anger management. He stated that once a citizen starts to invoke his known rights, that’s when the police start to violate the citizen’s rights. It becomes a power struggle. “It’s like they feel threatened, like his authority is being threatened. It shouldn’t be like that ... [There needs to be] respect for the citizens’ known rights.” The officer should also have the mindsets of de-escalation. He stated: “I’ve had friends who are officers tell me in a personal situation, if you make me chase you, I am going to make you run.”
- A Commissioner commented that there is a policy in another city jurisdiction that requires a pursuing officer to not engage with a suspect who is fleeing in the hopes of reducing the excessive force that may be exerted by a police officer who was forced to chase the person. He stated by way of a series of suggestions: “Evidently what we doing right now ain’t working. We have to have an innovative and thinking outside the box. ... Relieve the anxiety and things that go on with the officers. Deal with the politics of being a police officers sometimes. Defusing the police officers and their numbness and how they engage the community one-on-one. Take them off the street, let them become human again. Let them work off some steam, etc.”
- A participant commented that there is lots of dialogue and rhetoric, and you can’t train the hate, bias away that’s in the psyche. You have no substantive consequences you will have no substantive change. They suggested using threats to affect the pensions of officers who are involved in cases that resulted in a settlement by the City to offset the costs of the Settlement. “You do two things: You make these officers give back to the coffers for the money flowing out to pay for investigations, lawsuits, etc. with regard to money that should be going to the residents of the City; you take the fight to the door and

home where wife might countenance attitudes but not when it begins to affect their financial security... Look at [these concerns] through a fresh lens.”

- A participant commented that Tamir was doing what kids do. They should have taken caution when entering the rec center. They also should have looked into the behavior of the person.
- A written note came to the table that stated: “MANDATORY – Body camera on every police officer; Must be operational; Audio and visual at all times; In court cases audio-visual from body camera should be required as evidence.”

Public Comment Period

The public comment period was canceled, since the public had been commenting throughout the entire meeting.

Meeting Adjourned at 8:40 p.m.