

CLEVELAND COMMUNITY POLICE COMMISSION (CPC)
JERRY SUE THORNTON CENTER
TRI-C CAMPUS
MEETING MINUTES
FEBRUARY 28, 2017

ATTENDEES: Commissioners: Kathy Clegg, Mario Clopton-Zymler, Gordon Friedman, Lynn Hampton, Amanda King, LaToya Logan, Rhonda Williams

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

ABSENCES: Paul Baeppler, Anthony Body, Yvonne Conner, Lee Fisher, Steve Loomis, Dylan Sellers

Mr. Clopton-Zymler called the meeting to order at 6:17pm.

Protestors marched into the meeting as it was called to order, calling for the CPC to remove Commissioner Steve Loomis. Signs read "Lose Loomis...Where's McGrath?" Garry Kanter of Black on Black Crime, Inc. gave a speech saying that Det. Loomis should not be on the CPC. Protesters called for the CPC's continued efforts in working for his removal and claimed they would continue to protest his position on the Commission, as the CPC could not make progress if he remains.

Mr. Clopton-Zymler stated that everyone sitting at the table had signed the structure letter to remove Det. Loomis from the Commission. The Commission hears the public's message, but the issue is currently out of their hands. Mr. Clopton-Zymler said the CPC's work would not stop despite Det. Loomis still being on the Commission and not being at the meeting and the CPC's work product would not be affected.

OVERVIEW OF MEETING AGENDA

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

APPROVAL OF MINUTES

December 21st and January 24th Full Commission Meetings:

Det. Hampton moved to approve the minutes. Mr. Friedman seconded the motion. All Commissioners present approved and the motion was passed.

CO-CHAIRS REPORT

Acknowledge Community Groups:

Dr. Williams asked for all representatives of community groups to stand to be acknowledged and state which groups they represented:

- SURJ – This group always attends CPC meetings; 7 members were present for this meeting.
- Black on Black Crime, Inc. – This group came because they wanted the CPC to remove Det. Loomis. They expressed interest in working with the police and anyone who was willing to work with them.
- Black Lives Matter Cleveland – This group's representative stated that he wanted to believe in this process and would trust it more if Det. Loomis was no longer part of the Commission.
- NeighborUp Network – This group had a representative present at the meeting.

Annual Report Update:

The CPC announced that its Annual Report had been completed. It was stated that the Report would be sent to the Monitoring Team shortly and put up on the Commission's website. The Commission acknowledged Ms. Brennan for her work on the report.

CPC & Budget Hearings Update:

The Co-Chairs went to the City Council Budget hearing this afternoon. They answered many questions from City Council and were waiting to hear the outcome.

CRB Report:

The Consent Decree requires that a Commissioner attend meetings of the Community Relations Board (the CRB is also supposed to have a representative at CPC meetings). Mr. Clopton-Zymmler is this year's representative to the group. He attended February's meeting, networked, updated the CRB on the CPC, and heard the CRB's updates. The CRB had the Chief of Prevention, Intervention and Opportunity for Youth and Young Adults speak at the meeting; a speaker from Peacemakers Alliance; and Blaine Griffin updated the CRB, stating that 2017 is the year of community engagement within the Consent Decree process—the community's role is at the forefront of the reform process this year. Two big issues that were of concern with the community included Alianna DeFreeze and Officer Fahey's memorial service.

Commissioner Work Assignments:

Dr. Williams reminded Commissioners to sign up for standing committees and work groups. All members present had signed up for the correct amount, but were told to email the Co-Chairs if there are any updates.

Mr. Clopton-Zymmler updated the CPC that Commander Jones, former Commissioner, had become the Commander of Bureau of Support Services, in which she will be the head of the training section of the CDP.

BUDGET, IT, AND INFRASTRUCTURE COMMITTEE

Discussion & Voting on Revised Draft of By-Laws:

The Commissioners were given handouts detailing the new edits to the Commission's by-laws. Revisions were based on discussions with the Monitoring Team's Ayesha Hardaway and community feedback from January's full Commission meeting.

Article I: Expectations

Mr. Clopton-Zymler detailed the proposed additions of Numbers 2, 3, and 4 as well as changes to Number 6 of this by-law. There were no additions or corrections from Commissioners.

Article I: Process for Removal

Mr. Clopton-Zymler noted that this section was completely new to the by-laws. He read the section in its entirety and Commissioners contributed the following:

- Commissioners debated the inclusion of the word "letter" in Number 2. They ultimately decided to keep it in the by-law.
- In terms of the concerns mentioned in Number 2, a Commissioner noted that there may be other circumstances which are of concern beyond attendance. She wanted to know whether the CPC would go through a fact-finding process or just look at basic information. A Co-Chair responded that whoever is bringing the change forward would already have a by-law infraction in mind.
- Number 4 used the term "appointed Commissioners," but as all Commissioners are appointed, this was deemed redundant.
- Number 4 should state "¾ majority minus the Commissioner in question."
- A Commissioner inquired over Number 7's option for the Commissioner in question having the opportunity to appeal to the Mayor. She asked whether the Mayor had approved of this. A Co-Chair answered that because the request for removal would be sent to the Mayor, the appeal should go to the same person.

Article IV: Chronic Absenteeism

It was decided that "full CPC meetings" be changed to "scheduled meetings" to be consistent with other parts of the by-laws and include PPA meetings.

Article IV: Tardy Policy

The phrase "would not late" needed to be corrected to "would be late."

Article IV: Excused Absences and Emergencies

Commissioners discussed what situations could and could not count as excused absences:

- A Commissioner noted that there are three police officers on the CPC and they are sometimes required at crime scenes which unexpectedly conflicts with Commission meetings. It was determined that this could be counted as an excused absence, as it would be considered a work emergency and fall under the "emergency" category. However, Commissioners discussed the need for this to be considered on a situation-by-situation basis. For example, if a police officer

(or any Commissioner) always had to miss meetings because of work, it would be their responsibility to remove themselves from the Commission.

- Another Commissioner noted that if a member expects work emergencies to arise, this is even more reason to attend as many Commission meetings as possible.
- Commissioners debated whether to add “personal or professional” before “emergency,” but ultimately determined that “emergency” encompasses both and should be left as is.
- Commissioners noted the need for a cut-off regarding absences, even if they are “excused.” Too many absences of any variety negatively affect the Commission’s work. However, the Co-Chairs said they would consider the circumstances if a request for removal arose.

Article IV: Participation Requirements when Absent

Commissioners did not have any comments on this by-law addition.

Article IV: Extended Absences

Commissioners did not have any comments on changes to this by-law.

Dr. Clegg moved to approve the by-law revisions as edited. Ms. Logan seconded the motion. All in attendance approved, but because only seven Commissioners were present and eight are needed for a by-law change (per the by-laws), the seven votes were registered and it was determined that an e-vote would be sent out to the rest of the CPC on this issue.

Once the by-laws were approved by enough Commissioners, it was noted that the revised by-laws would be sent to the Monitoring Team.

COMMUNITY ENGAGEMENT AND OUTREACH COMMITTEE

Feedback: Day of Justice Town Hall:

Ms. King gave a summary of the Day of Justice. Over 40 students and several adults (teachers, policymakers, Commissioners, etc.) attended. The Day of Justice was an opportunity for an uninterrupted time for young people to express their feelings on police reform. This conversation included discussing the Consent Decree, using art as a basis to discuss youth/police interactions, and a panel on tapping into youth interests in discussing police reform issues. Over ten young people signed up to be on a youth council, with which Rev. Conner and Ms. King will be working. The CPC received some informal recommendations from the youth through these discussions. In March, Shooting Without Bullets will release a 7-8-minute video captured on the Day of Justice.

Update: 13th Documentary Co-Sponsored Event & Next Viewing:

Ms. Logan discussed that the next CPC Town Hall will be on Tuesday, April 4th from 6-8:30pm at the ADAMHS Board. It will be a viewing of 13th and a discussion with the community regarding what can be done about mass incarceration. Free parking will be available, doors open at 5:30, and the CPC is seeking suggestions for panelists/discussions via its CPC emails. This event happens to fall on the day of Martin Luther King’s assassination.

Other Items:

Future Town Halls for the last two quarters are currently being discussed. As the CPC gets more information, it will be brought to the public.

Commissioners may also make public meetings themed and have related guest speakers to get more education on issues/themes which are of concern to the community.

POLICY AND PROCEDURE ASSESSMENT COMMITTEE

Community Engagement DRAFT Spring Plan 2017:

Review Final Plan

The Policing Project/Monitoring Team's Nonny Onyekweli and Ruby Nidiry were present for the meeting and discussed the Community Problem-Oriented Policing (CPOP) proposal document they sent to the CPC.

The CPOP plan will contain two major cycles:

1. CYCLE 1: Broad-based community engagement: The Monitoring Team's aim is to bring together as many community members as possible, both in person and online, to contribute what they would like to see in the CDP's community engagement policy. The CDP will then draft a policy based on this feedback.
2. CYCLE 2: The CDP will work with stakeholders to revise the policy. In this process, stakeholder will get additional feedback from the community.

The Monitoring Team is currently discussing whether bias-free policing will also be included in this process.

CPOP will include many meetings, but there are two major forums scheduled:

1. Tuesday, March 21st: East Side: Jerry Sue Thornton Center
2. Wednesday, March 22nd: West Side: Urban Community School

Both will contain a presentation on community policing plan components and tradeoffs as well as a small group discussion. These will be like the Use of Force forums held in September.

Following these forums, there will be meetings within each policing district to make sure the plan caters to the specific needs of each district. This will also be part of the March 28th full Commission meeting agenda.

Once it is finalized, the CPOP plan will be posted on the CPC's website.

Concrete CPC Tasks

The Cycle 1 schedule is about a week behind. The Monitoring Team needs CPC feedback on its questionnaire by the close of business on March 1st.

Commissioners noted concerns that the process may be too long. They also noted that if bias-free policing is included in the discussion there would be too much material to cover in CPOP. The Monitoring Team noted that they were currently discussing whether bias-free would be included or not.

The different Parties will be collaborating on the CPOP plan. Mr. Clopton-Zymler noted that he would link Rev. Conner and Mr. Sellers, the chairs of the Community Outreach and Engagement Committee, to Mr. Tramble of the Monitoring Team to determine logistics. Commissioners will attend the March 21st and 22nd forums and serve as facilitators. The Co-Chairs noted that they would be in contact with Commissioners regarding volunteering for various CPOP tasks. Commissioners were also advised to go to the groups which they represented and get more people in their networks involved in the process, including attendance at regular full Commission meetings.

New Work Groups:

The Commission noted that although PPA meetings are for Commissioners only, all its work group meetings are open to the public. New work groups will be rolled out shortly including the new Search & Seizure Work Group and the CDP Staffing & Resources Work Group.

PUBLIC COMMENT PERIOD

Mr. Whitt reviewed the public comment period ground rules.

General By-Laws

- A member of the public noted that it was difficult to follow the CPC's discussion regarding by-laws because the community did not have access to the document. He noted that these should be made available to all community members.
 - A Commissioner responded that the CPC aims to improve this process and will do what it can, but all Commissioners are volunteers and there is only one staff member doing everything. Additionally, the process to get documents printed with the City of Cleveland is long and difficult.
- A committee member contributed the following written comment: In light of reforming the by-laws, can circumstantial inquiries be done for said police officers so that it can be determined that [their missing meetings] is because of the job and not personal choice?

General CPC

- An attendee stated that more people in the community need to attend CPC meetings and that he does not believe that the Commission is trying to get people to attend its meetings.
 - A Commissioner responded that the CPC wants to increase its community outreach. Originally, Commission meetings had more attendees and Commissioners are serious about wanting more community involvement.
 - A member of the Monitoring Team, who was also speaking as a citizen of Cleveland, informed those present that the CPC worked hard to get people in the room. He stated that it was not only the CPC's responsibility, but also the community's job to get more people involved. As a citizen, he noted "This belongs to us," arguing that the community

needed to exert civilian authority over the CDP. Additionally, he noted that the Monitoring Team is also going out into the community to ensure Cleveland citizens are involved in the reform process, but community members should bring other people with them to the next meeting.

- A community member lamented the fact that he had been part of similar conversations in past attempts at reform, but no substantial change happened. He asked what made the CPC believe they were going to get different results? He noted that he does not currently believe in the reform process.
 - A Commissioner commented that this community member had every right to be skeptical, but that no one should give up on the process. He stated that most Commissioners are very dedicated and shared similar values to the other people in the room.
 - Another Commissioner noted that another generation is working to take up this fight and that, as this community member has experience, he should work to mentor younger people and encourage others to attend CPC meetings. It is healthy to question and challenge the process, but he suggested the experienced members of the public work to boost up and empower those currently working on reform.
 - Another Commissioner argued that the community dictates how it wants to be policed. In the past, it may not have been the right time, but Cleveland, and America in general, is currently in a moment to discuss these issues. The Constitution does not say “we the police.” It says “we the people.” Because of this, the community needs to make the decisions and the Commission is open to suggestions as to how to energize the community.
- An individual stated that they had attended a lot of CPC meetings as well as the status conference with Judge Oliver. The Consent Decree aims to change the way police operate, but this individual sees the police as rooted in racism, which has resulted in many problems within the community. This person noted that these problems need to be addressed to improve the relationship between the community and the police, but inquired when the CPC would get to addressing these issues.
 - A Commissioner noted that the CPC has been addressing some of those concerns since its inception. Community/police relations will be addressed in a more official way with the start of CPOP. The community’s voice is very important to these discussions. This Commissioner recommended the community contact the CPC with any suggestions and attend CPOP meetings.
- A member of the public noted that discussion of CPC by-laws is boring and it is surprising that as many people attend Commission meetings as they do given the content. This person noted that if Commission meetings were more engaging, more youth might get involved.
- A member of the public stated that the Judge should have seen the issues related to Det. Loomis and that he does not blame any of the Commissioners.
- A community member contributed the following written comments: Can committee meetings and working group meetings also be public? Will the CPC still be able to function if Sessions

were to end commissions for police reform? Is it possible that more members of the community will show up when direct actions are made?

Removal Process

- An individual noted that Judge Oliver, the City, Monitoring Team, and others would not intervene in the removal process. Judge Oliver had noted that the by-laws had the ability to lead to the removal of Commissioners. This person stated that it is now in the CPC's hands to remove Commissioners through its by-laws and that they should assert their authority. This individual provided the Civilian Police Review Board's by-laws on the removal process and said the CPC should shape its by-laws after the CPRB's.
 - A Commissioner responded that the CPRB's by-laws did influence the CPC's and the Commission also helped write the CPRB's by-laws. However, the CPC has stricter requirements and specifics regarding issues such as attendance. The judge asked for additional requirements to be added to help trigger the removal of Commissioners.
 - A Commissioner also noted that per the CPC's by-law revisions, particularly Article I: Process for Removal, Number 5, after the CPC has sent a letter to the Mayor proposing a Commissioner's removal, the CPC will restrict said Commissioner as much as they can. The Commission has the power to restrict Commissioners, but not the power to remove them (although the CPC has pushed for removal power from the beginning, making arguments to the City, CDP, DOJ, Monitoring Team, and Judge Oliver, and strengthening by-laws was the only response they received).
- Multiple community members argued that the CPC, and no other party, should have the ability to remove Commissioners.
- A community member repeated his speech from the beginning of the meeting. He claimed that Safety Director McGrath has enabled Det. Loomis' continued membership on the Commission and has not been present since the Consent Decree was put in place.
- A member of the public asked whether the CPC sent a letter requesting the removal of a Commissioner. She wondered whether they had sent it to the correct person. She stated that perhaps the CPC had more power to remove a member than they believed.
 - A Commissioner responded that the CPC sent the structure letter to the Parties which laid out a case for Det. Loomis' removal. The Commission held a unanimous vote (apart from Det. Loomis) to remove said Commissioner and Judge Oliver responded that the CPC by-laws had to be strengthened to trigger the removal process.
- An individual read the first paragraph of Det. Loomis' letter to the community (from January 4, 2017) following the call for his resignation. The community member asked for people to note the lies in the paragraph. This person argued that the Consent Decree was about a Constitutional, bias-free police department, not what Det. Loomis said. On Det. Loomis, this person stated: "He is a saboteur of the consent decree and he's getting away with it."
 - A Commissioner responded that those statements are very self-evident to the CPC. The Commission has done everything possible to remove the party about whom the community member presented and the Commission will continue in its efforts.

- A member of the public asked who decided that the Commission cannot remove a Commissioner?
 - A member of the Commission responded that the Consent Decree does not delineate a removal process and the CPC's work was created out of the Consent Decree. The Commission was formed under an advisory group for the Chief of Police and the authority for those in the Commission's position for member removal lies with the Mayor, the authority of that process. This authority was never the Commission's. The CPC is trying to use the avenues for removal which it does have available: (1) asking Det. Loomis to resign; (2) requesting his removal; and (3) revising its by-laws to clarify the removal process.

Status of Policies

- A community member noted that a great deal of work had been done last year on Use of Force policies and inquired where in the implementation and training process the CDP was.
- A member of the public asked the Commission where the Use of Force policy training was in its procurement process. Was the CDP preparing a proposal for an outside trainer and do they have the budget for it?
 - A member of the Monitoring Team responded that the CDP will run its own Use of Force training and it will not be subcontracted out.
- An individual noted that people with mental health issues are afraid to call the police. He claimed that 98% of people in Cleveland have a disability and 3,000 citizens are part of the deaf community. He wanted to know how the CDP would communicate with people who are deaf. He inquired about the type of training officers would receive, especially regarding mental health and asked how this new approach would be different.
 - A member of the Monitoring Team responded that as part of the Consent Decree, at least eight hours of Crisis Intervention Team training was required for all officers, with some officers specializing in CIT. This would help police respond to members of the community with behavioral and health problems. He noted that there was still a long way to go in this process, however.
- A community member stated that he was glad the Monitoring Team was planning on separating CPOP and bias-free policing policy discussions. He emphasized the importance of bias-free policing and the need for it to be focused on separately.

Concluding Statements

A Commissioner encouraged the community to serve as allies. She explained that many people on the Commission are working much harder than anything the public will ever see. The Commission will continue to try to improve and move the process forward.

Mr. Whitt summed up the discussion with four words: innovation, sustainability, partnership, and accountability.

The meeting was adjourned at 8:15pm.