Cleveland Community Police Commission (CPC)
Full Commission Meeting Minutes for Approval
Thursday, December 17, 2015

In attendance: Anthony Body, Kathy Clegg, Mario Clopton, V.Y. Conner, Lee Fisher, Amanda King, Stephen S. Loomis, Dylan L. Sellers, Rhonda Y. Williams

Meeting called to order 5:45 p.m.

Minutes

Co-Chairs Report:

Prepared statement 12-17-2015, Co-Chairs Report read into the record.

- The CPC held a Special Meeting last night to move forward on its Mission Statement, Responsibilities language, and By-Laws. Given the public inquiry and expressed concern about the Mission Statement since the CPC’s meeting at Cudell Recreation Center on Nov. 11, you should note that the Mission Statement has changed. It now has a preamble and the language regarding “including the most aggrieved and vulnerable” has been removed. Discussion of bylaws, Article I and IV, were also had and revised – and passed. We will post our By-Laws on the website for those who are interested in the changes and governing rules of the Commission to date.

- Co-Chairs Craig Boise and Rhonda Y. Williams met with a delegation of Ukrainian visitors who are newly appointed “detectives” in the newly established National Anti-Corruption Bureau. We shared information about the Cleveland Community Police Commission, Cleveland, bias-free policing and racial profiling, what work the CPC is engaged in, and had general discussion. They expressed great appreciation. Our other Co-Chair Mario Clopton was unable to join us because of timing.

- We need to begin to think about establishing a process and job descriptions for hiring Cleveland Community Police Commission staff. Right now, as we know, we operate using temporary, loan staff. We also we have an opportunity to revisit, adjust, and fine-tune our budget – within its current parameters -- if needed.

- Our next regularly scheduled full commission meeting will be after the New Year, on January 27, 2016. If any other meetings are to occur between now and then, it will be a Special Meeting, and we will post it on our website. Please make sure to leave us your contact information so we can expand our community database and notification list. ###

Monitor Team Presentation:

There were national and local members of the Monitor Team present: Matthew Barge, Dr. Modupe Akinola, Christine Cole, and Ayesha Hardaway.

Matthew Barge, the lead of the court-appointed team, shared the following:
The Monitor Team has spent a lion’s share of the time getting to know people, including Command staff and leadership, average citizens, those in organizations, and the Parties to the Consent Decree, in order to get a view of the challenges, any progress that has been made, and a sense of the interests, values and experiences of the community in preparation for moving forward and diving into the substantive work.

The Monitoring Plan, which discusses the structure for the first year, was developed to provide a framework for developing priorities and clear time-lines for moving forward on the Consent Decree. Emphasized that police reform can work, if people aren’t going off and doing things at different times, and that the City, and DOJ, and CPC must drive progress in a focused way.

Expressed appreciation for the progress that the Commission has made and acknowledged the CPC’s challenges and frustrations, including the existential conversations, which needed to be had. This included consideration of questions such as “who are we?” “what are we doing?” and “why we are here?” Barge shared that he has been kept up to date and that members of the Monitor Team have been in attendance.

Stated that the CPC needs to pivot now to substance, because the police reform process needs the CPC’s input. Meaningful reform can’t come in community if the CPC is not there. Not discounting process issues, but need to have spirited conversations on the substance and encouraged as much as possible zooming into the core work. The community is looking to the CPC to not only be a representative of their views in all of the forums, but also to try to understand what is going on in the police reform process, as well as to speak to what the issues and arguments are. Urged the CPC members to act as much as a conduit of information to the community as community representatives to the process.

The Monitor and the Monitoring Team has multifaceted roles: serves as an agent of the court, has the fiduciary duty to carry out his duty and responsibility, will need to settle some disputes from time to time, and decide whether the outcomes of this process are in order with the Consent Decree. Monitor Team members see themselves as facilitators of conversations with officers and citizens alike.

Those involved in police reform through the Consent Decree have to come up with solutions that have results and implement policy, training, and procedures that produce effective policing that is safe for officers and for the public, ensures constitutional rights, and is consistent with citizen’s community values.

Everyone will not get 100%, but we must endeavor to give everyone an opportunity to be heard and listened to. Whether an officer, CPC commissioner (individual and collective way), clergy, etc., we want as many inputs as possible. All the insights won’t necessarily align. Committed to doing reform in a transparent and public way as much as we possibly can.

Shared that the CDP has to be a driver, be willing to change, as well as own the process and the change. Stated, referencing the Monitoring Plan, that in almost all instances, the Division comes up with a first draft, but doing so with an idea of what their officers are thinking on the matter, and what the community’s values and expectations are.

Envisions the CPC as a primary convener and synthesizer of community concerns values and provider of written documents that say what you want to see reflected and what you want to see the division looking like. Understand that some Commissioners have more time, different experiences, comfort levels, education, etc.

Must deal with consistency to ensure that officers, community, general best practices are incorporated, with a back-and-forth process, with drafts that are shared with community, discussed and vetted, and considered by everyone both within the CDP and outside the
division. The Monitoring Team will then finally decide whether the outcome is consistent with the Consent Decree. This is the general process the Monitor Team is recommending. The Monitor Plan is based on what we see in Cleveland thus far, including not having a unified process. We want to make sure this is a short-lived experience, because that can cause frustration. Want a highly collaborative process and think that having everyone on the same page will help us make swifter progress.

- Regarding the Monitor Plan being shared. This is a DRAFT of what the Monitor Team believes can be accomplished in the first year. We want to do it once and try to get it right. The plan has determinations about what we need to do up front and what can wait 18 months from now to do. This needs to be filed by February 1, 2016. When filed with the court, the deadlines become court enforceable.
- Asked that the CPC check the deadlines, and make sure they can be met. The Monitor Team could possibly adjust some of the time-lines based on the CPC’s capacity and what the CPC can handle, but months on end can’t be taken for every item.
- Suggestion to put up on the CPC website.

Commissioners’ Dialogue with the Monitor Team
The lead Monitor responds unless otherwise indicated.

- Question: The Consent Decree outlines when the things need to be finished, what about the Monitor Plan?

Response: The Monitor Plan outlines priority areas, time-line, and will be looking at outcome measurements for success. Monitor oversees compliance. This includes more than policies, procedures, etc. on paper, but that they are implemented, effective and substantial, and translate into day-to-day life. This will be tracked through “real world” data, statistics, and periodic assessments. If you have systems, but they are not translating into what is desired, then you need to assess, and adjust in order to have them line up with the desired outcomes.

- Question: Two questions. Can you restate the four (4) pillars? With regard to the division of police needing to drive change: Are you saying they need to present us a document that we work on together, versus us working on our own and then giving it to them?

Response: 1st Question: Refers to the first page of the Consent Decree: effective policing; policing that keeps officers and Cleveland’s community safe; constitutional policing; policing that is it consistent with Cleveland’s community values. The community is to be a part of determining what the Division is doing.

2nd Question: The primary work of the CPC is to collect community values, experiences, hopes, challenges, aspirations so as the Division, for instance, puts pen to paper, they can capture the recommendations. This can be done without reducing recommendations to red lines and drafts. The CPC is in a place to provide community input and work with the Parties to make sure they are satisfying the requirements.

The CPC also can tee up a value or interest that it disagrees with, and present a view that needs to be considered.

- Question: Asking for clarity regarding the CPC and policy development and input for police reforms? The CPC has received thanks and appreciation from numerous
community members for sharing the multiple detailed drafts and research provided thus far.

**Response:** The CPC will contribute to policy development, but is not providing a completed policy.

- **Question:** Asking for further clarity: Understanding the CPC is not providing a final completed policy that must be adopted, what should the CPC expect from the Division to consider? It was also asked whether the Monitor was saying that the CPC members should not educate themselves, do research on best practices to assess policies, or provide potential language to capture ideas gathered whether from research or community stakeholders and then share that back with the community to solicit more input?

**Response:** Doing research on best practices and understanding the state of policing and policies are important. The CPC can then provide evidence for policy statements that say, e.g., the Division should reflect the following and provide a list of recommendations. Also alongside that the CPC can provide the Division with people’s experiences that support the recommendations or policy statements. For instance, when talking about a use of force policy, what interests and values are important to the CPC and community? Gather those values and anecdotes, present, and provide a really clear sense that those are linked to the community.

- **Question:** With regard to the report due March 7, it was asked whether the Monitor is saying resist providing a precise policy and present information in narrative form? Also the Monitor was asked based upon observations of the CPC’s work so far and comparing it to other cities, what could the CPC do better and what is it doing better than others.

**Response:** The Monitor felt, as a for instance, that the fact that the CPC is taking split votes shows one way the CPC selection process is having success. He explained that for him it reveals there are not a few people leading the charge exclusively, but that the Commissioners are expressing opinions and views. Everyone believes the CPC is going to be a critical part of the process. The CPC may not be able to have everything figured out about how the work flows day to day. Some of this is making it up as you go along. Important to make sure the reforms are right on substance, and that the Monitor knows what’s going on. We serve as facilitator and arbiter.


- *At the December 3rd Full Commission meeting, the Co-Chairs and Police Review Board Work Group walked through section-by-section proposed charter amendment changes for the Office of Professional Standards and the Police Review Board charter amendment recommendations.*
- *That same week, the Co-Chairs reached out to Director Langhenry to ask a few questions and to let her know that the recommendations would be forthcoming.*
At the December 3rd Full Commission meeting, a deadline was set for Commissioners, who wanted to respond further, to provide any thoughts or tweaks by Sunday, December 6, at 5 p.m.

Taking the comments in consideration, tweaks were made and then the document was sent out for vote with an electronic ballot on December 7, 2015. We set a voting deadline of Dec. 8 by 11 a.m.

Voting occurred. On Tuesday, December 8, the vote was 9 (yay)-0 (nay)-4 (abstentions). The abstentions were from people who did not register a vote.

Again, we were in touch with Director Langhenry and informed her our recommendations would be on their way.

On Dec. 9, the CPC (some members, 6 total) attended the Public Safety Committee meeting at the invitation of the Committee Chair, Councilperson Matt Zone. It was right before the meeting started that we learned that 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. Nor was the CPC notified that this would happen.

That evening, Dec. 9, we did three things: shared this update in our PRB Work Group meeting, informed the Commissioners of what just happened via email, and then contacted the Monitor.

We have had two conversations with the Monitor Team. On Friday, Dec. 11, we were able to share our concerns. On yesterday, we received an update from the Monitor Team.

The Monitor Team talked to us about a “reset.” The Monitor reaffirmed that, as per the Consent Decree, the CPC should have been consulted and that the CPC, in fact, will have opportunities to present its recommendations and have meaningful, substantive dialogue and input into the proposed charter amendments with the City, City Council, and others.

The next steps are:

- Posting the CPC’s recommendations on our website for the public to have access and review;
- Meeting with the City, City Council, the Monitor Team, among others to develop a process moving forward and to present and discuss the recommendations.

Discussion ensued.

- A Commissioner asked whether more discussion on the recommendations could be had with community. This was presented as desirous.
- A Commissioner expressed that the entire process created substantial pressure and stated that having more time to let this settle and then have more dialogue is welcomed.
- Presenting the actual language of the charter amendment is important, as well as making sure that unclear language and concepts are broadly understood and accessible.
- A Commissioner expressed that while it has been stated we are not hearing from the “real” community, that we are all part of the community. We have talked to people who are not part of specialty groups, as well as at and outside of CPC meetings.
- It was expressed this could be broader still.
- A Commissioner asked how does “the reset” affect the ability for the charter amendments to get on the March ballot?
A Commissioner shared he would much rather have the charter amendments happen on the General Ballot than a primary election ballot.

**Commission Representation**
- CPC representatives were discussed and selected for representation. Commissioners were asked about their interest prior to the Full Commission meeting. Rev. Yvonne Conner who had expressed interest in serving as a representative to the Community Relations Board withdrew after Anthony Body expressed interest in also serving at this full commission meeting.
- Selected Representatives:
  1. Community Relations Board – Amanda King and Anthony Body
  2. Cleveland Division of Police Training Committee – Kathy Clegg and Mario Clopton

**Committee Reports**
- **Communications**
  - Co-Chairs Mario Clopton and Dr. Rhonda gave brief comments
    - Commissioners asked attendees to fill out the contact cards
    - Commissioners were asked to send in names to populate and grow the CPC contact database

- **Community Outreach & Engagement**
  - Co-Chairs Rev. Yvonne Conner and Dylan Sellers provided updates.
    - It was proposed that about five slides of basic information about the CPC be drafted to guide community talking points. Rev. Yvonne agreed to draft.
    - The structure and goal of the CPC monthly town hall was discussed. It would feature a presenter on a specific topic related to police reform, followed by a question and answer with the audience. If feedback is needed on policy recommendations, this could also be gathered.
    - Commissioners on the Community Outreach & Engagement Committee will begin attending the District Police Committee, ward, and city council meetings. This will give Commissioners an opportunity to build community networks, as well as more time to support the policy work.
    - It was shared that in January, the CO&E Committee will have a town hall forum at a Boys and Girls club. Exact location will be forwarded.
    - It was shared with Commissioners and attendees that a community questionnaire was on the website.
    - A Commissioner stated that we should also think of ways in our daily circles, churches, etc. to share information and hear what people want from the police.

- **Policy and Procedure Assessment**
  - Bias-Free Working Group
    - Lee Fisher shared that Commander Heffernan attended the last Bias-Free Work Group meeting, provided some initial documents, which the group looked over. Attendees then looked at the Bias-Free Ordinance now pending before City Council.

**Presentation: Inspector General Job Description**
Dr. Rhonda provided an overview of the contents of the working “IG” research document, which provided to Commander Heffernan and the community attendees.

**Presenter: Commander Brian Heffernan**

Commander Heffernan discussed the CDP’s request for input from the CPC on the IG position, as per the Consent Decree, page 58. He spoke specifically to paragraph 256, saying:

- As far as college education, prefers JD. This is an auditing or upper management position, necessary to have an extensive background check. Deal with performance, policy, even auditing of personnel. Other general job duties to think about for skills and competencies: independently and effectively determine compliance, effectiveness and consistency of bias free policing, focus on procedural justice; analyze trends throughout the country; analysis of investigations completed by the Office of Professional Standards. While being supported by the preponderance of the evidence, identifying problems through trends.

- Will report to the Chief of Police, and report to the public. A unique position that will be housed out of City Hall’s Audit Office, but answer to the Chief of Police

- Want someone who is able to learn and use computers, including Blue Team and I-APro. Forward investigations electronically. Need to be familiar with other system to facilitate the Division’s compliance with the Consent Decree.

- Pay Band: $43,000-$100,000+

- The Review Team will be someone from the Chief’s office, Law, and Mayor’s office: candidates selected and interviewed

**Discussion ensued:**

- **Question:** When is initial feedback needed?
  - **Response:** In about 30 days. Shared the Monitoring Plan doesn’t specifically address the position.

- **Question:** What kind of process was expected?
  - **Response:** Proposed presenting a document that outlines what the CPC would like to see and then have discussions afterward about what the CPC initially presents.

- **Question:** Can the IG initiate investigations?
  - **Response:** Isn’t stated specifically in the Consent Decree.

- **Question:** Regarding the report line to the Chief of Police: Imagined the IG being a completely independent auditor, not reporting to the person they are actually investigating?
  - **Response:** This is how it appears in the Consent Decree.

- **Question:** How does the PRB, IG, IA conducting investigations all work together?
  - **Response:** IA handles investigations of criminal conduct. OPS may initiate an investigation where it is criminal conduct and then it is handed off to IA. The IG would have more of an overview responsibility.

- **Question:** How does the IG fit into the citizen apparatus or the police department?
  - **Response:** The IG will review and conduct analyses of all the CDP’s policies, procedures, compliance, investigations, trends. Right now criminal investigations are handled by IA. The IG and team will conduct investigations based on issues they find
during their review, their analysis during auditing. Maybe they are seeing something about a policy that is not being followed. It’s kind of hard to talk in hypotheticals. Analyze trends, etc.

- Question: Is the IG tied to the Early Intervention System and Early Warning System? Can you explain those systems.
  Response: Yes. That’s where those systems come in. Regarding EIS and EWS systems: Will keep track of any concerns related to or impacting policing of the officer’s personal or professional life. There are different criteria: Number of complaints, type of complaints. Depending on where you work, type and quality of arrests you make will shape these assessments. Thresholds are set. Your Lieutenant will be notified. Green, Yellow (look at), Red (approaching or at the threshold.) It’s not an exact science, …but different inputs.

Public Comment Period

- A participant read three handouts regarding cases that reflected community concerns about how residents have been treated either by the police, or the lack of response by police or officials to specific community concerns. E.g., Sun. 11/23/2014, spoke with 12-year-old Ariel Brown, who called the killing of her friend as “a hate crime.” What’s next? Do we as citizens wait for Mayor Jackson, who will not take a stance? May God bless all 12-year-old children living in Cleveland, Ohio. E.g, Another statement was read regarding the story of Willie Lynch and then a remark was made that Mayor Jackson must resign. The resignation of U.S. Attorney Dettelbach was called for as well.
- A member who works with/for the Racial and Economic Justice Project in Northshore shared his pleasure at being able to attend the CPC meeting and expressed thanks for the work the CPC has done thus far.
- The OPS Administrator expressed (1) a desire to be involved in the follow-up meeting with the CPC, DOJ, City and Monitor regarding the Police Review Board and Office of Professional Standards charter amendments; (2) the IG will not only have oversight over the police civilian oversight offices, but also the CDP.
- A participant expressed the importance of the community having the opportunity to learn about and discuss things that the CPC and community want to change. Shared that Cleveland has a literacy rate of 66%, and that we must understand that there are functionally illiterate people in Cleveland. Given this, she asked that the CPC be aware of the language it uses in sharing information about reforms.
- A participant shared an example of how one could use a voice-recorded set of commands, mentioned a PERF report, and a 30-minute forum on the Internet to learn more.
- A participant, who worked at a nearby library branch, welcomed the Commissioners to hold meetings at library branches around the City to observe and share helpful information.
- A participant and resident of the City of East Cleveland expressed appreciation for what seems to be a sentiment or consultative spirit being nurtured and structured regarding the Police Review Board/Office of Professional Standards recommendations with the DOJ, City, CPC, CDP, OPS, and the Monitor moving forward. Expressed some hope about that, as well as appreciated hearing that there is a sentiment to take our foot off the pedal to gather even more voices of those in communities being policed by the CDP, importantly recognizing all the feedback gathered by the CPC to date.
  Expressed some confusion with regard to the dialogue the CPC had with the Monitor, in particular the word “reset.” Expressed hope that it addresses the ordinance
that was prematurely tendered, ORD1530-15, by Zone and Kelley, by departmental request, with regard to the charter amendments for the Police Review Board. Emphasized the desire to ensure that the community has the ability to affect and consult on the revisions in the building out of the PRB, as reflected in the CPC recommendations.

A few questions were asked: If a reset meant (a) a rescinding or retraction of the ordinance tendered, (b) would not proceed as part of the March election, and (c) that what will ultimately be put on a ballot is responsive and inclusive of the input put forward. It was also asked, given the ordinance was introduced without the benefit of the consultation with the CPC, whether this meant it was in violation of the Consent Decree.

- A Commissioner mentioned that the process, indeed, had moved ahead without the CPC being able to submit its recommendations.
- A member of the Monitor Team shared that it is still in the process of figuring out what the next steps will be. That at this stage, everything the CPC and Monitor Team know the public now knows as well, and that there is a full expectation that the next steps in this process will be transparent and the public will be informed.
- Another participant asked whether it could address the possibility that the ordinance process is a violation? And what will happen if it is found to be a violation? Then, the participant began to address concerns about how complaints are written up. Refers to the Rebecca Whitby case. In particular, the concern was about seemingly constant retractions and revisions to make the complaint reports fit a scenario. A question was asked: How deeply will this Commission go into the process of filing of reports by police officers and the investigation process, as it begins looking at cases and the process of carrying out investigations? Read an excerpt from one of the cases.
- A participant commented on the introducing of the PRB emergency ordinance. He stated: With regard to the City Council going ahead and not consulting others, I say welcome to Cleveland and what we have been going through for many years. Maybe if City Council would allow Public Comment that would be a great improvement. This happens all the time with the City Council introducing legislation and not inviting public comment.
- A participant stated his appreciation for the CPC and this process. He acknowledged that police reform is going to be long process. Stated that he hopes to hear from more and more committed people as the process moves forward, particularly those committed to the City and committed to a justice system where more and more people feel they are a part of the City, neighborhood, and grassroots movement. Made a commitment to get as many people to fill out questionnaires and to attend the meetings as possible.
- In response to the question regarding violation of the Consent Decree with the introduction of the emergency ordinance without CPC recommendations being received, one commissioner stated he did not want to ascribe nefarious motives and thought maybe as far as the reset goes, it might be possible to have some agreement by January 16th for the March ballot.
- Another Commissioner stated the Monitor Team can speak to whether it is a violation. And that while she could not speak to whether the action was “nefarious” or not, that what is clear is that the emergency ordinance was introduced without having received the CPC’s recommendations and according to the Consent Decree that was supposed to happen, as per the update report given on the PRB/OPS charter amendment recommendation process earlier in the meeting. That is why the CPC contacted the Monitor, and a “reset” is supposed to occur. The CPC will have more details after that meeting.

**Call for Future Agenda Items**
● One Commissioner asked can the CPC reconsider having all the Full Commission meetings on Wednesday, because it would create a chronic conflict with his work schedule?
● Can we begin a discussion on developing different partnerships, e.g., HackCLE and other grassroots organizations?
● Can we talk to the people who drafted the Consent Decree about how to interpret the Consent Decree and how to maneuver through this document?
● Can we address the plans for the Retreat.

Meeting Adjourned at 8:12 p.m.