

**CLEVELAND COMMUNITY POLICE COMMISSION (CPC)**  
**THIRD DISTRICT POLICE DEPARTMENT**  
**4601 CHESTER AVE., CLEVELAND, 44103 MEETING MINUTES**  
**APRIL 19, 2016**

**ATTENDEES:** Commissioners: Mario Clopton, Yvonne Conner, Deirdre Jones, Rhonda Y. Williams

Staff: Sylvia Pérez, Cleveland Foundation

**EXCUSED ABSENCES:** Amanda King, Lee Fisher, Dylan Sellers, Kathleen Clegg

CPC Co-Chairs, Mr. Clopton and Dr. Williams presided.

### **Welcome**

Mr. Clopton welcomed the commissioners and the public to the commission meeting. He reviewed the planned agenda and proceeded to the first item of business.

### **Overview of Commission Meeting Structure and Flow**

Dr. Williams reviewed a handout summarizing the general meeting structure of the Commission, namely the full commission meetings, committee meetings and town halls. The full commission meetings are public meetings so the community can witness how deliberations and decisions take place. During the full commission meetings there are 30 minutes of dedicated public comment. Outside of the public comment period, non-commissioners are asked to silently observe the commission meetings as an official business meeting. (See Ground Rules Addendum at the end of the Meeting Minutes.)

### **Co-Chair Report**

Dr. Williams asked Sylvia Pérez, Cleveland Foundation, to comment on the status of the Executive Director search. Ms. Perez shared that the Budget, IT, and Infrastructure Committee met to discuss a proposal for how to structure the Executive Director hiring process. It determined that it should serve as the selection committee for the hiring process. The committee planned to meet again to discuss its recommendation for how and when to involve the full commission in the hiring process. The Commissioners did not express any reservations about the Budget, IT, and Infrastructure Committee serving as the selection committee and looked forward to receiving the rest of the committee's recommendations re: the hiring process structure. Ms. Pérez also commented that the city had received nearly 100 applications for the Executive Director position.

Dr. Williams continued the Co-chair report by providing status updates on the CPC's Use of Force and Bias-Free Policing recommendations. She commented that:

- The CPC submitted its Use of Force recommendations on March 30<sup>th</sup>. They are under review by the CDP and the DOJ. A second set of recommendations regarding Use of Force policies are due on May 2.
- The CPC received feedback from the Monitoring Team and the DOJ regarding the CPC's Bias-Free Policing recommendations. The CPC also had an informal conversation about the recommendations with Chief Williams. The Bias-Free Policing Workgroup will convene next week to discuss the feedback received.

### **CDP Mission Statement Update**

Rev. Conner provided an update on the work of the CDP mission statement team. She reviewed the work completed to date, commenting that the team has been working on the CPC's CDP Mission Statement-related deliverables for the last three months. In January, the team requested community input on the CDP's current mission statement and submitted that feedback to the CDP. The recommendations are also available on the CPC website. In February, the team held a townhall with the community, at which it presented best practices on formulating a mission statement and how it relates to the services of an organization. During the townhall, the CPC also conducted an interactive exercise during which community members were asked to comment on mission statements from CDP's in other cities. The Cleveland CDP was rated the highest of the mission statements reviewed.

The team's next steps include collecting feedback on the CDP's current draft mission statement; a copy of the feedback questionnaire was shared as a hand out at the meeting. The CPC will also prepare a formal report to present its formal research on mission statements. The report will be drafted for CPC review on May 4<sup>th</sup> and shared with stakeholders on May 10<sup>th</sup>. The CPC is interested in responses from members of the community who live or work in Cleveland.

### **Bias-Free Policing Update**

Dr. Williams commented on the Bias-Free ordinance currently being considered by the Public Safety Committee. City Council held an initial hearing on the ordinance in October 2015; it will hold a second hearing in late August 2016. The August timeline aligns with the deadlines set by the Monitoring Plan for the other bias-free policing deliverables; this will permit council to review and consider the work of both the CDP and the CPC when drafting and introducing the bias-free ordinance. The CPC expects to participate in the future city council hearing on the draft ordinance.

The Bias Free Policing Work Group is meeting on April 25, 2016 to discuss a second iteration of its recommendations. The second draft will take into consideration the comments received by the DOJ and the Monitoring Team. Some of the feedback received, included:

- Acknowledgment of the comprehensive nature of the plan
- Request for more precise and concise editing, including consistent use of language and other comments related to semantics.
- Request for specific detail about noteworthy stories of community members' experiences, such as direct quotes or testimonies.
- The CPC recommended only using the "solely" standard in CDP policies when race was an explicit issue. Both the Monitoring Team and the DOJ commented on the CPC's reference to the "solely" standard.

### **Training Review Committee**

The Training Review Committee is comprised of police supervisors from each district, supervisors in charge of training, and CPC members Mr. Clopton and Dr. Clegg. The charter of the committee is to review the training related recommendations developed through the Consent Decree's implementation. The Committee held its first meeting this month, at which they reviewed a training GPO.

One of the deliverables that the CDP has submitted to the parties of the Consent Decree (i.e. The City and the DOJ) is a revised Initial Supervisor Training document (i.e. a training manual). An excerpt of the training plan was provided as a handout at the meeting. Mr. Clopton read aloud the goal of the training manual as printed in the current draft:

“The goal of this training plan will be to prepare all Division of Police supervisors to effectively and lawfully carry out their duties in accordance with the Division of Police Mission Statement, Division policy, the requirements and goals of the Settlement Agreement, State of Ohio law, and the Constitution and laws of the United States.”

He explained that the manual’s use of the term “work product” includes multiple deliverables, including those of the CPC. For example, the CPC’s Use of Force work product, and other CPC recommendations, will inform the training-related deliverables submitted by the CDP.

The draft training manual highlights the following areas of training:

- Basic leadership skills
- Techniques to minimize use of force and intervene and stop unreasonable uses of force
- Evaluating written reports
- Evaluating Officer Performance
- Responding to and investigating allegations of officer misconduct (e.g. actions that should take place after a use of force incident)

#### *Discussion*

Rev. Conner and Dr. Williams asked Mr. Clopton and Dr. Clegg to find out how frequently police officers will be trained on the topics mentioned in the manual – both at the roll-out phase of the new training implementation, as well as ongoing training plans. Sgt. Jones commented that she would expect this training to be included in the CDP’s annual in-service training.

The Commissioners also inquired about the training curriculum and whether or not it models any national trainings and/or best practices. They requested that Mr. Clopton and Dr. Clegg inquire about:

- The training curriculum and the kinds of police reports that would be included in the training. It was thought that the training would most likely include references to the internal incidence reports that police officers complete as part of daily business. The training would probably also include officer evaluations reporting forms.
- Who will conduct the trainings? Would trainers include non-police officers, community members, and/or external experts? It was shared that every district has a designated training supervisor who coordinates the training opportunities and resources needed to meet the training needs of a particular district.

The commissioners then had a conversation about “after action reviews,” since the civilian commissioners did not know what they were. Sgt. Jones explained that these reviews are conducted by the supervisor to determine whether or not the use of less-lethal force used in a specific incidence was justified. Less-lethal force includes actions such as a take-down wrestling moves to subdue a person. Less-lethal force actions are reported to a supervisor.

The CPC asked for a copy of the “after action review” report and a sample report packet. Sgt. Jones will follow up on this request on behalf of the CPC. She expects that the division should have a sample supervisory packet that for training use, which she should share with the commission.

The CPC also asked for clarification on the manual’s reference to “how to confidentially report misconduct,” and wondered if the training was in regards to the confidentiality of internal (officer) or external (civilian) reports of misconduct? Mr. Clopton clarified that the training was intended for

officers who wished to report misconduct. He also commented on the software systems the CDP uses to track and coordinate its reports. Blue Team is a software system used for reporting and recording information. Supervisors currently have access to Blue Team and all officers are being trained on the system so they can input reports as well. Reports referred to OPS (i.e. those that allege non-criminal misconduct) are transferred to other software system (IA Pro). IA Pro is only for internal investigations and the use of the Office of Professional Standards. The Commission asked for delineation of access to both software systems.

Mr. Clopton will follow up on the questions raised in the discussion and share the materials provided at the training committee meeting with the commissioners.

### **Use of Force II: Investigations and Reporting**

Dr. Williams lead the conversation about the second CPC deliverable related to use of force (aka "Use of Force II). This work product will explore not only the governance of an investigation process (reporting and implementation), but also an examination of how reports are completed (e.g. accuracy) and what details are included.

The Use of Force Workgroup is meeting next week on April 26<sup>th</sup>, when they will review materials presented by the CDP and the relevant sections of the consent decree. Specifically, they will examine some of the current report forms used by the CDP, which were shared with the use of force workgroup by Cmdr. Heffernan.

The commissioners asked Sgt. Jones to review the levels of use of force and the current reporting protocols. Sgt. Jones summarized them as:

- Level 1 – an officer touched a person to manage passive resistance to an officer
- Level 2 – when the results of an officer's actions include an injury, or use of chemical sprays and tasers
- Level 3 – when an officer uses lethal force, including any use of a firearm, or physical tactics and other responses that could cause death or serious injury

Currently, the homicide unit has a lethal force investigation unit to investigate Level 3 instances. This unit's responsibilities will most likely transfer to the county government. The county and the CDP are working out which departments will handle investigations of deadly force. Details and specific roles have not been finalized. Commissioners requested copies of the review and reporting forms, and protocols and processes that will be used by the County if/when it takes over this unit. Sgt. Jones will share a draft of the reporting manual between the CDP and the county with the commissioners.

For Level 1 and Level 2 instances, an officer will contact a supervisor to respond to the scene as soon as the civilian has been controlled. The supervisor engages the civilian directly to get information about what happened, as well as witnesses. Civilians are not required to provide statements. The supervisor is required to take photos of any visible injuries. If there are visible injuries, the person is taken to a hospital to be examined and treated. After treatment is received, the person is brought back to the police department to be charged. The supervisor has one month to complete the "after action review" based on the facts and information that are available.

Commissioners ask for Sgt. Jones to explain the differences between the stated reporting protocols and the process' actual implementation. She made the following comments:

- The standard for reporting for use of force incidents, set and used by supervisors, has become too generic. The reporting has become run of mill and frequently lacks variation. As a result, incident reports' use of boiler-plate language causes each report to sound the same.
- There needs to be better training for supervisors on how to write reports and how to read the police reports of the officers in their units. Supervisors need to be actively engaged. Since supervisors sign off on all police reports, they need to be able to review them for accuracy.
- Increased electronic reporting for patrol officers would impact the quality of patrol reports and after action reviews. However, officers would also need to be trained on the new technology to decrease the generational resistance that comes with the introduction of new technology.
- Use of police jargon in reports also has to be reduced to increase general comprehension of the reports when they are reviewed by different parties.
- Critical writing skills (i.e. organization of information) also needs to be improved in reports
- Information that can be released should be released to the public as soon as possible, not only for the sake of transparency, but also to prevent miscommunication between the police department and the community. Currently there are no policy mandates requiring information to be released within a specific timeframe.

Is there an ongoing investigation process for reports that include contradictory accounts or discrepancies in the report? If discrepancies are discovered before the investigation is advanced along the chain of command, the use of force review unit will investigate the issue before submitting the report.

What are the transparency mechanisms used to release information to the public about investigations. Level 1 and level 2 investigations become a matter of public record and can be accessed by a public record requests. Access to investigations on Level 3 incidences are restricted.

### **Community Engagement Assessment Work Group**

Rev. Conner updated the Commissioners on the status of the Community Engagement Assessment. Through the assessment, the CPC will review the current community engagement activities, programs, and strategies that the CDP uses to engage with the community. The work group will design a feedback process similar to the one used by the bias-free work group. It will also ask for feedback from nonprofits and others who conduct community engagement work. The community engagement and community policing units of the CDP will also be asked to provide feedback.

The Seattle consent decree also included this assessment as a deliverable. It used six steps to organize its assessment, which included:

1. Collecting feedback from community about the current state of engagement
2. Developing shared principles of ideal engagement
3. Drawing common themes from the feedback
4. Conducting a gap analysis between the current status of engagement activities and ideal status envisioned by the community.

The CPC will form a work group to focus on this deliverable and drive the process. The assessment is due to the Monitoring team on May 12<sup>th</sup>.

### **CDP Staffing Work Group**

The CPC would like to create a work group to lead the assessment of the CDP's staffing plan and to provide recommendations. The deadline for this work product is June 1.

### **Other Business**

The Co-chairs will share a survey instrument from the Monitoring Team to assess perceptions of police. The Monitoring Team has asked for the CPC's feedback on the survey before it is finalized and released to the public.

Upcoming commission meetings are:

- Full Commission meeting – 4/27
- Use of Force Work Group Meeting 4/26
- Bias Free Policing Work Group Meeting – 4/25

### **Public Comment Period**

The CPC Co-chairs opened the meeting for a public comment period. The following questions and comments were expressed by meeting participants. CPC's responses to questions are also noted.

- When were after action review reports implemented by the CDP?

*CPC Response:* It's been in place for at least the last 15 years. In the personal opinion of the commissioner, the effectiveness of the report depends on the supervisor writing the report and the accountability system used between supervisors and officers.

- Could a civilian Garrity statement be created, so that a suspect can report on an incident without the risk of the information being used against them in court? Such protections might help supervisors obtain the statements needed to conduct complete investigations for the after action reports.

*CPC Response:* Use of Force investigations are separate from police reports and are not included in the charges used against a suspect.

- When will the county take over use of force investigations for the CDP and will their investigations be subject to the terms of the Consent Decree?

*CPC Response:* The County and the CDP have been discussing the shift of responsibilities since October. A draft manual was presented in January. The timeline for implementation is unknown. It is also unknown if the county's investigative unit will be subject to the mandates of the consent decree.

- Will prosecutors who review police reports be asked to identify discrepancies and notify supervisors? An accountability system for how reports are reviewed should be recommended by the Commission.
- There should be a mechanism where public records for use of force reports are routinely and/or automatically shared by the public, without a specific public records requests.
- A member of the Mental Health Responsive Advisory Committee suggested that the reporting forms should be formatted for general understanding. She then asked if the commission is also addressing use of force in mental health crisis interventions? Ambulances, not police officers, should transport

civilians to a hospital when there is a mental health crisis situation. Some civilians are afraid to call 911, because respondents could be a police officer who has the discretion of putting a person in handcuffs, even if no crime has been committed. Individuals could be transported to a hospital in a police car which criminalizes their crisis.

*CPC Responses:* Commissioner Dr. Kathy Clegg is the CPC liaison to the Mental Health Committee. She participates in every meeting and proactively makes connections between the committee's work and the CPC's recommendations.

- Is there a record of when and what changes to police reports are requested by supervisors before the reports are signed off on? A recommendation to consider would be to establish a policy and protocols for revising a report that would require the official record to include all "drafts" of a report. This would formally track changes between an officer's original report and the final report that is entered into the record.

*CPC Response:* Not to the knowledge of the commissioners. A commissioner stressed the importance of holding supervisors accountable for the police reports that they approve. "Clarifications" to original reports may be entered into the record as "additions" or "supplements" to an original report. Most of the time, revisions to original reports are in response to a lack of information and the revisions are clarifications and/or addition of details. As a clarification, it was mentioned that homicide reports and reports on other sensitive cases (e.g. sex crimes) include information that is not public record.

#### **Ground Rules Addendum:**

Cleveland Community Police Commission (CCPC)  
*(as of April 19, 2016)*

### **CCPC Full Commission Business Meeting & Public Comment "Ground Rules"**

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

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

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

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

Creating spaces where people can be honest, feel safe, as well as see the value – and necessity – in ongoing and consistent community input and dialogue IS NOT EASY. By following these Ground Rules, it is the CCPC's hope that it can simultaneously work to create meaningful opportunities for candid

community input, build confidence, air difficult issues, and think about pathways for impactful police reform.

## **GROUND RULES:**

1. 30-minute time period overall, with **2 minutes allotted to each speaker**.
2. **Be succinct as possible** to be respectful of others who want to speak.
3. **Avoid** invectives and name-calling.
4. **Speak only once**. If everyone who wants to speak has had that chance, then people who have already spoken may have another opportunity to speak.
5. **Abide by “STEP UP, STEP BACK.”** That is, **SHARE** the floor. If you speak all the time, give others a chance to speak. If you don't often speak, **PLEASE DO**. We want to hear from you.