

Cleveland Community Police Commission  
Meeting Minutes

Wednesday March 22, 2023 6:00-8:30 PM  
Collinwood Recreation Center  
16300 Lakeshore Blvd, Cleveland, OH 44110

Roll Call order:

Adams  
Benito  
Chura  
Donaldson  
Earley  
Garrett-Ferguson  
Kennedy  
Reaves  
van Lier  
Ridgeway  
Wang  
Zayed  
Rodriguez

Staff:

Goodrick  
Anderson  
Walker  
Williams

**Gavel in by Chair Pro-Temp Rodriguez 6:00**

**Adams (present)**  
**Benito (present)**  
**Chura (present)**  
**Donaldson (present)**  
**Earley (present)**  
**Garrett-Ferguson (present)**  
**Kennedy (present)**  
**Reaves (present)**  
**van Lier (present)**  
**Ridgeway (present)**  
**Wang (present)**

**Zayed (present)**

**Rodriguez (present)**

Chair Rodriguez: please raise your hand and be acknowledged. Please be respectful and avoid side conversations.

Next Item is to approve the minutes. Are there any corrections?

**Hence none, the minutes are approved.**

It is now time for public comment, please note that it is better if we don't respond.

Brenda Bickerstaff: I was at a CPRB meeting, and was muted by this gentleman right here (CPRB Chairman Michael Hess), I submitted a complaint, I was going to ask if the administrator was going to stay on, who was a sergeant. The previous CPC, along with Charles See (member of the Monitoring Team), had put forward other candidates. He (Hess) muted me and called me disruptive.

Deputy Chief Earl Pertel: I am the Deputy Chief for Homeland Security (CDP), if you have any questions for us please let us know.

Charles See: We would like to invite the general public to attend tomorrow's status conference hearing at the Louis Stokes Courthouse.

Chair Rodriguez: just to confirm that is the monitoring report at the Stokes courthouse

Capt. Rob Simon: I have been assigned to work on the consent decree since 2015, that's my primary function, I use to attend the CPC regularly, I look forward to working with you guys in the future.

Capt. Jason DeFranko, I am assigned to the 5th district support staff, if you have any questions please reach out to me.

Mural Williams: I am here because I am very concerned with what is happening with the police department in Cleveland and across the country. I train police departments in Ohio and parole officers in mental health. This training was very effective. I want to be involved in a way that the training might consistently matter. Given the report from the FBI there is a report that things did not change.

Febia: I am a resident of Ward 10, to piggyback off of that, how do police handle issues of mental health and substance abuse. Also our diversity in our neighborhoods, diversity we thought world work, but black officers also have had police brutality. Are you going to address that?

Chair Rodriguez: there is the Mental Health Response Advisory Committee.

See: The police department is currently doing CIT with their officers, there are two tracks, one is forty hours, and every police officer must take at least an 8 hour training every three years.

Deputy Chief Pertel: also the CDP has coordination training, an officer who is dressed in a casual manner is going out with a social worker to deal with those calls. It has resulted in a reduction in use of force and has been successful.

Shelly Williams: Good evening, I just wanted to invite everyone to a 4 part conversation about the effects of police violence on the Black community on mental health, we are having a conversation for women, so women only, guys you are next month, we posted it on Eventbrite.

Dr. Ronnie Dunn (Monitoring Team): I wanted to say welcome and I look forward to working with you.

## **CPRB**

Chair Rodriguez: Now onto the training. The questions should come mostly from the commissioners, citizens can ask questions later.

CPRB Chair Michael Hess provided an explanation of the role of the CPRB and OPS, and the complaint process. He also noted that:

A new CPRB member joined yesterday.

There are 10 OPS investigators currently working.

Wearable System Cameras have helped the CPRB and OPS with their work.

After a complaint, OPS investigates the case.

Once OPS investigations are complete they put it on the CPRB's agenda.

The CPRB can return to an investigator to re-examine something.

CPRB can recommend cases to OPS, but that has not happened yet. Cases from the complaints are directed to OPS.

Only non-criminal complaints are under the jurisdiction of OPS and CPRB, so anything that could be classified as a crime goes through IA first. OPS and the CPRB can investigate even if IA clears.

The CPRB is limited in what disciplinary action we are able to recommend according to the matrix.

CBRB recommendations then go to the Chief of Police, the Chief has the option to accept it as written, or he can alter it. The board can vote to appeal to the Safety Director. The Safety Director's decision is final.

Chair: Any questions?

Commissioner Earley: can we get a power-point presentation of this?

Hess: We will get you a flow chart, but we are working on it. Council as asked, but sometimes council

Commissioner Wang: Why is there not a rep from OPS here?

Hess: He was going to come, but something came up.

Wang: how long does it take to address these complaints?

Hess: that is for OPS to answer

Wang: According to the Consent Decree, it is 90 days for complex cases, 45 for simple cases, are you living up to that standard? If these take too long citizens will lose confidence. My investigation during the pandemic took more than a year. What are you doing to improve this? It has been a long time now.

Hess: We are going to hire more people, so we can have 10 full time investigators as opposed to temp part time. We have people volunteering to do this. The board has about a few dozen cases on its agenda. There is a limit on how much time the board can spend on the issues, they have full time jobs outside.

Wang: So they got a green light to hire more investigators, why was there a red light? We also have full time. It obviously takes time to hire and train an investigator. You have a stipend system like us, that can't be an excuse to not be in compliance with the consent decree. It seems that the community can't wait for there to be progress on these complaints.

Hess: regarding the investigators, that was just how the budget was up. It went from being in the safety department to bring their own department. It took a while to get things set up independently from the city. That is one of those things people did not realize. We did not have-- I think that was the issue was funding, they didn't hire for an increase in funding. We are going to have them add on additional

Commissioner Garrett-Ferguson: When you were going through your presentation, you are independent now, you said that the Chief and Safety Director have final authority, but under 115, they no longer have that authority, why are those still going to the chief and safety director.

Hess: The issue is that the CPRB has to follow its operating manual, we have not had a new one to comply with 115.

Garrett-Ferguson : So the operating manual supersedes the Charter of Cleveland?

Hess: it's also in the charter.

Garrett-Ferguson: So if you look at the charter it will be in there?

Hess: not printed word for word.

Garrett-Ferguson: So it's not in the charter. As far as we know the law of the land, the charter is the law of the land, that is what you have to follow. So I'm confused how your operating manual supersedes what the city charter is. Or is it just that it hasn't been updated yet?

Hess: yes we are writing a new level, the manual is mandated by the consent decree, it has to be approved by the court, the law department, and the dept. Of justice. '

Garrett-Ferguson: when will it be completed?

Hess: I don't know.

Garrett-Ferguson: Will the monitor talk about it tomorrow?

Hess: I do not know, I'm not the one who would know.

Garrett-Ferguson: Can you give us the contact information for who we would ask?

Hess: The law director, I can't speak much as it's not much of it because it is an active lawsuit.

Chair: any public questions, Mr. Hess, are you comfortable with public questions.

Hess: yes but I can only speak for myself, Not the CPRB

Bickerstaff: suggested there was dishonesty, then described the issues with HH cases from earlier. Both officers and citizens deserve equal justice, and they are not doing what they are supposed to do. Hess is wrong in his explanation. We will speak to the judge

Commissioner Benito: Thanks Mrs. Bickerstaff for your comment, thank you Mr. Hess for coming and your work. We have a lot of questions, and a lot of those questions require data,

and that's information that you don't have at your fingertips. Can you get us these answers for some of the data later on? This is important data. We have a staff that can help compile them.

Are any of the CPRB members working on the manual?

Hess: I have seen drafts, but I am not working on those drafts

Benito: why are no members being involved in the crafting the manual. We will approve that, but are just cutting out the lengthy back and forth phase.

Earley: there were a lot of cases not heard before, how many are still before you?

Hess: 60, that's how many with completed investigations before us. We get through about 20 a month.

Earley: Who are the investigators?

Hess: they are civilians, not police, most of them have a background in internal investigations or a background in law. That was part of the reason there was interest in getting OPS out of the Dept. of Public Safety.

Commissioner Adams: the staffing issues with OPS, in the Consent Decree, the OPSD should do a staffing analysis, as that will determine how many investigators. Have you completed that analysis?

Hess: They made a determination that they need to get more. They are in the process of hiring an actual data analyst.

Adams: Consent Decree 216 - staffing analysis will be provided to the Monitor will, and the monitor will decide if the budget reaches the terms of the agreement. The staffing analysis seems critical. I get they are doing them internally, but to Garrett-Ferguson's point, this is not in compliance with the consent decree. There is a huge backlog, so that means there is something wrong with all of the pieces working together. We have to follow the time frame as outlined in (Consent Decree) Paragraph 216.

Hess; that might have been a one-time thing at the start of the consent decree, but I joined later. The monitoring team has not brought that up to us.

Commissioner Zayed: I still have an issue with the amount of time these investigators are taking. What are your guys doing to get out of the Consent Decree? What is the plan from the Monitoring Team? That it takes over a year for a 90 day process?

Hess: as far as the DOJ is concerned, I cannot speak to them. As far as the 90 days, I know OPS is working to fix it. We cannot do it in 90 days. I don't know many cases that are going

over. The CPRB stopped meeting when the consent decree was agreed to, that's why there was such a backlog, and that's why we hired external help. The risk of that is you are doing a thorough investigation. It needs to be timely, but you don't want corners to get cut.

Zayed: How often are you meeting?

Hess; once a month

Benito: Are you considering meeting more than once a month to address the backlog.

Hess: Yes, now that we are able to meet in person, that has been mentioned and we're going to work on that.

Wang: Could you tell us how many OPS investigators are working full time now?

Hess: I think its 5 or 6. We have a senior investigator.

Wang: how many administrators are there?

Hess: there is a senior investigator and an interim administrator, they are looking to hire an analyst, and looking to hire a general manager.

Bickerstaff: so he said 5 full time, on paper they said 17. I don't think he (Hess) should be the chair, because of this presentation tonight. He is not answering with legitimate information. There were 381 cases that were pending. Those cases were not supposed to stop. They waited 4 years. I personally think he should be removed.

Commissioner Reaves: I'm glad you brought htat up, you are cprb right? You (hess) can't speak for ops,

Hess: that is correct.

(Cross talk)

Hess: Yeah, there is 17 allotted in the budget.

Adams: I was going to ask about the changes that have been made to the budget. I do want to say that I don't even like the job you have, last month, you had a case that lasted 2 hours. I do think you have a difficult job to do. You said that police do well with body cams: why do you keep seeing so many WCS violations? Why are they Group I violations? You said that it clarifies things. If I am an officer you will get a Group I. Have you discussed how to get these more chronic violations be moved to Group II?

Hess: it clearly says that it is a group one violation. We talked with the Monitor about it and that was the decision, if we send it to the Chief or Safety Director, they will reduce it back.

Kennedy: How often do your decisions are accepted or adopted by the Chief?

Hess: We asked OPS to compile a list of those, in terms of a timeline, it takes about a month.

Wang: As a follow up to Adams, I am troubled by your characterization that there has been an improvement in body cam use, what is that based on, according to Matt Richmond (of Ideastream Public Media), there was a lack of body cameras for some for two years. And the supervisor wasn't checking. What do you think about this problem? What in your understanding of those violations is the refusal to follow these rules? What is the follow up?

Hess: That was the only case of that, it was one unit that had systemic problems. I would maintain the cases that come to our attention. About 9/10 WCS was used properly. The flipside to that is that these need to be audited, if they are not being audited, unless there is a complaint we will not see that.

Wang: 10% is an actually high percent

Hess: I don't know much exactly.

Wang: We need to keep a record of this.

Garrett-Ferguson: the ops has already said that you should be sending us information. I hope by April 15, that we are able to get that information from the investigator. For those 60 cases, can you forward the CPC that information?

Hess: That is going to need to come from OPS.

Commissioner Ridgeway: I want to take a step back, as a comment, not a question, when I review your operating manual procedures, when they've been updated. And then we wouldn't have so much guessing and estimating. We can then refer back to that. It is important for your board to update that manual. As part of the rules committee, we find that our rules are based on yours. It is critical to get it done, and it's important that some of your members need to be at that table. There is a statement here that "all provisions of the operating manual must be considered in a manner consistent with the Charter."

Adams: I just wanted to follow up with my previous concern about the camera systems. And this is more of a comment than a question. I would encourage you to rethink how you interpret some of these groups. It's kind of a cop out, because if an officer with a case it is ridiculous. If you are just not doing it. As a teacher I have students who are explicitly defiant, but there are also students that are passive aggressive in their defiance. We are not dealing with children, we are talking to grown adults who took an oath to honor the duties of that position. For me if you just



are not going to do it, then just comply, at a point it is just insubordination. I would encourage you to look at the group violations. At ascertain point you can move a body can up to a group II.

Benito: one thing I heard you describe a couple of times was systemic barriers such as the matrix and our violations. One great thing is that charter 115 gives the CPC the power to take those issues. What can we do as a commission to support the work of the CPRB?

Hess: You brought up a lot of important issues, I would look to you guys, right now we are just being told by the Law Department, if you could work with them that would be awesome. The CPRB has a specific role that is based on the amount of time it commands from its members. They just go through cases. The board is in a position where we can identify policy failures. We would make a policy recommendation to the police department, I'm speaking for myself not the board, I think if you guys were able to focus on the policy stuff you can direct the board and be leaders, that will allow ops and the board to work on these cases as efficiently as we possibly can. Moving forward I want to.

LaTonya Goldsby: Thank you all first of all, these are the minutes that I downloaded. Residents have been asking about the manual since the Charter amendment was passed. That the chairs are not working on the manual is a problem. You are an independent body, you need to make your own manual. There should be an attorney on the CPRB. You have a meeting next monday. Having a meeting at 9 am at City Hall makes it inaccessible. Why can't you have meetings like the CPC?. There is no parking for citizens. You need to be publicly accessible like the CPC.

Hess: they will still be streaming online.

Citizen: Average number of cases for the year?

Hess: ~300 per year.

Citizen: how many do you get through a month?

Hess: ~20

Citizen: how many CPRB members are black?

Goldsby: 4

Garrett-Ferguson: you said you are worried about pushback from the Chief about these Groups, but you are independent. The community does not want the chief to override, according to 115, you don't have to submit to the Chief anymore. Going forward, I hope that is not something you want to find out about. That is a way we can support you, but we can't do your work on the timeline. It's concerning that the chair of the CPRB did not know about those concerns.

Ridgeway: we need to put a pin in the conversation, I think you need to come back to this Commission and back with OPS. I would suggest to the chair.

Chair: we just have three more comments then we will wrap it up.

Bickerstaff: I'm very concerned about the way this has been handled. Comm. Ridgeway brought up an important point--that if the manual had been done, this would be easier. We have brought it up repeatedly, but it is put aside. This is not upholding people's rights, we need to be fair if you don't have the tools. They have an obligation to the citizens of this community. I am glad how well the commissioners know the consent decree.

Wang: Why are body cams necessary? Why is there a Consent Decree? Because there are problems. The point is that the body cams would not be here if people were telling the truth. The only way we break she said he said was with evidence. We're not asking you to not be neutral, we're asking you not to use the lack of evidence as a shield of neutrality. There is tremendous distrust--the only way to fix that is with a camera. You have the same power as us, we meet multiple times. Everyone has spent more than that in a week. I want to give you the power, resources and the tools for the CPRB to serve anyone in the community.

Hess: when were talking about there is now WCS footage that we can't say what there was, i was using that as an example of how the board has hanged, if you look at it now there are very few that are dismissed because of lack of evidence--we used that in the crutch before, but not as much now.

Commissioner Donaldson: Earlier you talked about the manual was tied up in a court case, which case?

Hess: The Consent Decree, the manual has to be approved by the court.

Citizen: How much leeway do you have with this body cam question? Why is more leeway given on those? It sounds like there's some discretion. What is causing you to go lower tiers?

Hess: basically everything that he board does is going to come under scrutiny from the monitoring team and the doj. So if we have something so clear cut--it is difficult to justify why you are not following it. In terms of that case, we recommended retraining, which is as much we can in a case

## **Committee reports**

### **Internal training**

Garrett-Ferguson: We have legal training this Saturday, and we will have all of our legal training done later. And the April 22 training for police training, from the police we are still getting dates for other trainings.

Interim Executive Director Goodrick: at least the safety director will be there, we're still working on confirmation from the prosecutor's office. Right now that for the 27th, the Rules Committee. March 27, April 22.

## **Grants**

Adams: Where we are in the last meeting we talked about types of grants we want. We can use that categorization as a suggestion for a framework, but people can use a grant outside of that. We had a discussion about that. The topic that took most of our time was how much we can award. The chief ethics officer Delante, we are waiting on the decision if we need approval on anything more than 50k from council, as the charter is not explicit--it was confirmed. We had several discussions about how we deal with that, the main thing is independence, I disagree with the law department. We are supposed to be independent. To give the city council a way to deny that grant money seems to undermine the spirit of the charter. But that's where we are with that. Were four accountability, just not City Council? We just might err on the side of 49999. We want to be available to the community in need. We need to be flexible and be warned ahead of time that the City Council will slow down that process.

## **Rules**

Wang: Is there any way that we can take that city training alongside of those officers?

Deputy Chief: I can run it to the chief for you.

We went through three more sections, including a Brady list for officers who have shown bias. The media use policy, and the budget section. There are a number of things we cannot finalize. We will move on to section two.

Benito: I will just add that there was a discussion that once a section is completed we will bring it to the commission for approval.

## **Hiring**

Donaldson: nothing to add.

## **Ad Hoc committee for Co-chair nominations**

Donaldson: We spoke to everyone, Kennedy will describe our decision.

Commissioner Kennedy: We will be using Robert's rules. We had one on one confidential process how it will work:

First, the commission will elect two co-chairs, they will be equal.

Second, the election will be on April 12. The election will be on an anonymous ballot. As in the Roberts rules. You will be voting anonymously. And you will be voting for your two preferred co-chairs. The co-chairs will not run as a slate of candidates. The two candidates with the most votes become co-chairs, in the event of a tie, there will be an immediate run off. Once everyone has voted two staff members will tabulate the votes. Then they will put it in a ball for chair Donaldson and I to triple check the process. Once that vote is completed the term of the co-chairs will begin.

Donaldson: I will now list the slate of candidates, I encourage everyone to reach out to them.

For the slate of commissioners:

**Adams**  
**Benito**  
**Reaves**  
**Ridgeway**  
**Wang**

Wang: So is it ranked choice voting?

Kennedy: no, there is no ranked voting, and there will be no speeches. Please reach out to the candidates.

**The following candidates are nominated:**

**Adams**  
**Benito**  
**Reaves**  
**Ridgeway**  
**Wang**

Chair: Open to the floor:

**Chair Rodriguez submits her own candidacy.**

**I move that the commissioner accept the slate of:**

**Adams**  
**Benito**

**Reaves  
Ridgeway  
Wang  
Rodrigeuz**

**Seconded (multiple commissioners)**

**Chair: motion carries.**

**The nomination list is now set.**

**Committee interest**

Zayed: We sent out an anonymous survey last week. Regarding people's preferences. Thanks to the Ryan Walker did. I wanted to say that all commissioners will get to sit on the commission of their choice. The next step will be to have conversations with each of you individually to see what committees you want to be on. We will do that after the co-chair election.

Training woman from earlier: She wants to bring more information to help keep the commissioners with mental health training.

Reaves: I wanted to thank everyone for everyone supporting me. I just want to say thank you to everyone.

**Ridgeway: nominate Wang for the next chair pro tem.**

**Seconded (multiple commissioners)**

**Chair: any debate or discussion. None, the motion carries.**

Benito: The MHRAC advisory committee meeting is now quarterly, and I asked them to send us the information from that meeting. We will have some say in oversight. MHRAC used to be under the ADAMS Board, but it is now under the county public health board. I just received an email request for someone to attend. I will be attending that meeting if anyone wishes to join me. It was the first time they met since moving. Working on forming their sub committees.

Garrett-Ferguson: I was just notified, by someone in the audience that the Ohio Supreme Court said you can't have votes in secret in public bodies. We should probably check with our legal representative.

Kennedy: We will ask the law department.

van Lier: I looked it up, sunshine law, they said you cannot have secret ballots.

Chair: we will find a way to address that.

Chair: adjourned.