Outlining the operations of the Community Police Commission (CPC), including responding to community needs and concerns regarding the regulation of the City’s police force and community-police relations as authorized by the City of Cleveland Charter § 115-5.
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Duties and Authority of the Community Police Commission

The following section is directly quoting Cleveland's City Charter § 115-5 Community Police Commission. This section cannot be edited or changed by the Commission:

“Duties and Authority of the Commission. The Commission will respond to community needs and concerns regarding regulation of the City's police force and community-police relations through duties including, but not limited to, the following:

- Serving as the final City authority on whether the discipline of police officers imposed or not imposed by the Chief of Police, executive head of the police force, or Civilian Police Review Board is sufficient, with the discretionary authority, with due process afforded to a subject officer, to order that the Chief and executive head of the police force increase discipline; and to order that they impose discipline where none was imposed. The Commission may, at its discretion, and upon notice, hold evidentiary hearings to review individual officer discipline following any proceedings and decisions by the Chief of Police, executive head of the police force, and, as applicable, the Civilian Police Review Board. Any order by the Commission to increase or impose discipline will be final and the chief and executive head of the police force must follow it.

- Ordering the Chief of Police to decrease discipline of police officers only in circumstances in which the Commission determines that the officer is facing retaliation for protected activity or for whistleblowing about misconduct within the Division of Police. With this exception, nothing in this Section will be construed as conferring a right by any officer to appeal that officer's discipline to the Commission.

- Interviewing and recommending candidates for police commander and inspector general to the Mayor.

- Compelling, through administrative subpoenas signed by the Commission's chair or Executive Director, the attendance of witnesses and the production of evidence, including, but not limited to, from within the City, that the Commission deems necessary for the performance of its duties. The Council may provide by rule the penalty or penalties for contempt in refusing to obey such subpoenas, and the Commission must do so if the Council has not.

- Having final authority over establishing the policies, applications, and examinations by which new police recruits must be sought out and recruited and screened, including screening for bias.

- Establishing bias-screening and training for existing police officers.
Having final authority over police policies, procedures, and training regimens.

Auditing and verifying police-officer training.

Soliciting, gathering, compiling, organizing, maintaining, and generally updating information on individual police officers whose career records or personal history merit designation or disclosure even reasonably arguably advisable under Brady v. United States or Giglio v. United States and those cases’ progeny; ensuring that the Division of Police and municipal, county, state, and federal prosecutors disclose such information at the beginning of the discovery process in all criminal and civil cases in which such officers could be witnesses or are parties; making such information readily publicly accessible on the City's website; and publicizing and devising means of public accountability for failures in the Division of Police, by the Chief of Police, by the Department of Law, by the Cuyahoga County Prosecuting Attorney, or others to track, identify, maintain, organize, and disclose such information. The Commission must undertake this duty as to all current police officers, including information predating this Section's effective date.

Directing the Civilian Police Review Board to independently investigate the conduct of every police officer against whom a lawsuit has been threatened or filed, or for whom the City has paid a settlement to obtain a liability release, or against whom there has been a court judgment for alleged misconduct.

Proposing and advocating for legislation or regulations to Council, the State of Ohio, and other legislative and regulatory authorities, and offering views on the City's, Mayor's, Chief of Police, and Department of Public Safety's legislative agendas consistent with the purposes of this section.

Engaging in community outreach to obtain the perspectives of community members, police organizations, and Division of Police employees on police-community relations, police policies and practices, the police-accountability system, and other matters consistent with the purposes of this section.

Maintaining connection and collaboration with representatives of disenfranchised communities and with other community groups throughout the City, the Community Relations Board, police-district committees, and similarly arranged councils consistent with the purposes of this section.

Providing Division of Police, Office of Professional Standards (OPS), Civilian Police Review Board (CPRB), Internal Affairs (IA), and other City law-enforcement and police-accountability entities with community feedback received through the Commission's public-outreach activities.

Providing technical assistance to the Division of Police, OPS, IA, CPRB, and other City law-enforcement and police-accountability entities, consistent with the purposes of this section.

Exercising independent judgment and offering critical analysis in the performance of their duties without interference or non-cooperation from any person, group, or organization including the Chief of Police, the Director of Public Safety, the Mayor, the executive head of the police force, other Division of Police employees, and other city officials. City employees who violate this provision may be subject discipline, or
censure consistent with city and state laws.

to dismissal,

**Note:** The paragraph above was set forth in the language adopted by the voters. The intended language was likely "... may be subject to dismissal, discipline, or....", but the editor has no discretion to revise adopted Charter language.

- Requesting and timely receiving, without the need for making a formal public-records request, from other City departments and offices including the Division of Police and Director of Public Safety, information relevant to the Commission’s duties that must be disclosed if requested under the Ohio Public Records Act.
- Reviewing policy, data, and records to advise the Mayor, the Director of Public Safety, the Chief, the Council, the Director of Law, OPS, the CPRB, and others on policing issues including, but not limited to, police-community relations, police accountability including OPS and CPRB operations, bias-free policing, search and seizure, officer training, police use-of-force policy, data collection and retention, and implementation of other initiatives, programs, and activities intended to support constitutional policing and continuous improvement of policing.
- Periodically publishing and distributing factual material, reports, recommendations, and notices as the Commission deems important within its purview as established above.
- Performing audits and broad investigations into investigative processes, including audits for quality assurance and adherence to policy and procedure of closed investigations and closed discipline cases of police officers and Division of Police employees.
- Identifying and proposing opportunities for systemic improvements in all aspects of police accountability, including, but not limited to, officer-complaint intakes; handling; investigations; use of alternate resolutions like supervisory coaching; mediation; or ordered training; timely notifications to complainants about investigative progress and results; timelines for investigation; discipline; disciplinary appeals; and Brady/Giglio-list protocols.
- Accessing un-redacted complaints against officers and unredacted files of all closed investigations, except for information required to be withheld from persons who are not members of criminal-justice agencies under the Ohio Public Records Act or the Ohio Personal Information Systems Act, as they may be amended.
- Consistent with federal and state law, protecting from disclosure confidential, non-public records to which the Commission has been provided access.
- Engaging outside legal services, at Department of Law expense, when the Commission determines, in its discretion, that there is a conflict of interest between the Commission’s mission and representation from the city’s Department of Law.
- Eliciting public comment on police policy issues.
- Making grants to community-based violence-prevention, restorative-justice, and mediation programs to reduce the need for police activity.
• Adopting and amending rules for the Commission's procedures, including selecting leadership and any additional articles sufficient for efficient and effective execution of its duties.

• Exercising, without limitation, other duties consistent with the Commission's broad purposes of exercising stronger civilian control and accountability over the Division of Police, that are consistent with the Charter."
1.2 Scope, and Weight of this Operating Manual & Conflicts of Law

In addition to the Cleveland Charter, this operating manual contains rules, procedures, processes, and general operations of the CPC. If rules, procedures, processes, or operations codified elsewhere or functionally operational elsewhere and potentially, apparently, and/or actually conflict with the provisions of this manual, the provisions of this manual when adopted by the majority of CPC control.

All provisions of this operating manual must be considered in a manner consistent with the Charter of the City of Cleveland.

When a legal conflict arises related to authority or scope of the CPC a written legal opinion of the City Law Director shall be sought by the Commission prior to taking any additional action. City of Cleveland Charter (§ 115-5) grants the commission, at its discretion, the authority to engage in outside legal services at the Department of Laws expense when there is a conflict of interest between the Commission’s mission and representation from the City’s Department of Law.
1.3 Duties and Responsibilities of the Commission, its Members, and Staff

1.3.1 Ethical Responsibilities

The Commission, commissioners, and all commission staff must acquit themselves of the duties outlined here in a manner that is consistent with the following statement of ethics (adopted from the National Association for Civilian Oversight of Law Enforcement (“NACOLE”) Code of Ethics).

- Members of the CPC have a unique role as public servants overseeing the conduct of law enforcement officers. The community, government, and law enforcement have entrusted members of the CPC to conduct their work in a professional, fair and impartial manner. This trust is earned through a firm commitment to the public good, the mission of the CPC, and to the ethical and professional standards described herein.

- These standards are intended to be of general application. The spirit of these ethical and professional standards should guide CPC members and staff in adapting to individual circumstances, and in promoting public trust, integrity and transparency.

- **Personal Integrity**: CPC members and staff will demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among CPC stakeholders, and to set an example for others.

- **Avoid conflicts of interest**: CPC members and staff are expected to conduct themselves in a fair and impartial manner and recuse themselves when significant conflicts of interest arise. CPC members and staff will not accept gifts, gratuities or favors that could compromise their impartiality and independence or that have a substantial and improper influence upon the performance of their duties. As public officials, Commissioners are subject to both state ethics law (R.C. Chapter 102| Public Officers Ethics) and the City of Cleveland Charter (§ 171.38 Ethical Conduct and Conflict of Interest)

- **Independent and Thorough Oversight**: CPC members and staff are expected to conduct all evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, and in a timely manner. CPC members and staff are expected to rigorously test the accuracy and reliability of information from all sources and consider and present facts and findings without regard to personal beliefs or concern for personal, professional or political consequences.

- **Transparency and Confidentiality**: CPC members and staff are expected to conduct their activities openly and transparently (as permitted by applicable policy and law), to include providing explanation of CPC, Civilian Police Review Board (CPRB), Office of Professional Standards (OPS) and Cleveland Division of Police
(CDP) procedures and practices to as wide an audience as possible. CPC members and staff must maintain the confidentiality of information that cannot be disclosed by law and policy and protect the security of confidential records.

- **Respectful and Unbiased Treatment:** CPC members and staff must treat all individuals with dignity and respect, and without preference or discrimination including but not limited to the following protected classes: age, ethnicity, culture, race, disability, gender, gender identity, religion, sexual orientation, socioeconomic status or political beliefs.

- **Outreach and Relationships with Stakeholders:** CPC members and staff are expected to disseminate information and conduct outreach activity in the community as permitted by law and policy. CPC members and staff pursue open, candid, and non-defensive dialogue with all stakeholders and seek to educate and learn from the community.

- **Self-examination and Commitment to Policy Review:** CPC members and staff seek continuous improvement in the effectiveness of civilian oversight of law enforcement programs in Cleveland. CPC members and staff gauge their effectiveness through evaluation and analysis of their work product and seek to emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

- **Professional Excellence:** CPC members and staff seek professional development to ensure competence. CPC members and staff seek to acquire the necessary knowledge and understanding of the policies, procedures and practices of the Cleveland Division of Police (CDP) and the Department of Safety and keep informed of current legal, professional and social issues that affect the community, the CDP, the Office of Professional Standards (OPS), the Civilian Police Review Board (CPRB) and the CPC.

- **Primary Obligation to the Community:** At all times, CPC members and staff place their obligation to the community, their duty to uphold the law and the goals and objectives of the CPC, above personal self-interest.

Commissioners shall receive quality training on state ethics law (R.C. Chapter 102| Public Officers Ethics) and the City of Cleveland Charter (§ 171.38 Ethical Conduct and Conflict of Interest) that is sufficient in scope to carry out the responsibilities outlined in City Charter (§ 115-5).
1.3.2 Professional Work Expectations

The broad responsibilities of the CPC require all Commissioners to be actively engaged and committed to the work of the organization. To that end and in order to foster trust between the Commissioners and the community they serve, each Commissioner is required to meet the following professional expectations:

- Be prompt and prepared for meetings.
- Read materials and research issues in advance of discussions pertaining to an issue.
- Attend all Cleveland CPC Full Commission meetings as well as all Standing Committee, and Work Group meetings individual commissioners are members of.
- Attend as many community-based meetings, forums, and other events as a Commissioner as reasonable.
- Consider the goal of positively engaging the larger community in decision-making and the implementation of reform efforts.
- Act as liaisons for community feedback and concerns.
- In addition to participating in Full Commission Meetings, serve on at least one standing committee and one or more active work groups, or equivalent productivity activities such as appearing on panels and research projects.
- Respond to internal CPC communications in a timely manner.
- Follow all rules and procedures outlined in this manual.
1.4 Organization

1.4.1 Composition of the Commission

The following section is directly quoting Cleveland’s City Charter § 115-5 Community Police Commission. This section cannot be edited or changed by the Commission:

“Commission membership, eligibility, and appointment categories. The Commission will consist of 13 persons broadly representative of the racial, social, economic, and cultural interests of the community, including those of the racial-minority, immigrant/refugee, LGBTQ+, youth, faith, business, and other communities, to reflect the overall demographics of Cleveland residents. At least two Commission members must represent community organizations focused on civil-rights issues. At least one Commission member must be, represent, or be knowledgeable of, as applicable, the issues of those who are limited-English speakers, homeless, or who have mental-illness and substance-abuse disorders; those who have been directly impacted by police violence, or be a family member of a person who has been killed by police; those who have been incarcerated and exonerated where police were involved in the wrongful conviction or incarceration; gun-violence survivors or be a family member of a person killed by gun violence; an attorney with experience representing victims of police misconduct or criminally prosecuting police misconduct. A single Commission member may fulfill more than one of the above categories. Where feasible, the Mayor will seek to appoint at least one member between the age of 18 to 30 at the time of appointment.

With the exception of no more than three police-association representatives, described below, no member may have served within the five years before appointment as a law-enforcement officer, have ever been an employee of the City's Division of Police or Department of Public Safety, or otherwise have been a City employee within the previous year. The Mayor may appoint no more than three representatives of police associations, including racial-or-ethnic-minority police-labor associations, or these associations' successors recognized by the City. These police-association representatives must have a background relevant to police-community relations and demonstrated connection to their respective associations' membership, and no representative may have a record of police misconduct (whether adjudicated or not), or career records or personal history meriting designation or disclosure under Brady v. United States or Giglio v. United States and their caselaw progeny.”

The Commissioners must be selected following an open and fair application process.

The Mayor appoints thirteen members, with the approval of Council by majority vote. Three of the members will be nominated by Council.
1.4.2 Term of Membership

- The first Commissioners appointed after § 115-5’s effective date shall be divided into two classes. “The first class of seven will have four-year terms and, for the first term only a second class of six will have a two-year term.”
- After the first class, “all Classes will have four year terms.”
- “No Commission member may serve more than four, full, four-year terms.”

1.4.3 Vacancies of the Commission

Any of the following circumstances shall lead to a vacancy on the Commission:

- Expiration of the member's term, death or resignation of the member.
- “The Mayor may remove any Commission member for malfeasance, misfeasance, nonfeasance, or gross neglect of duty, but must afford any non-police-association-representative Commission member an opportunity for a public hearing before the Mayor, within 30 days after the Mayor has given such member written charges, with a copy filed with the Clerk of Council. An accused non-police-association-representative member will be permitted to respond to the charges in person or through counsel, and have the right to subpoena and present evidence, including documents and witnesses. Removal by the Mayor will be final unless not later than the third meeting of Council after the removal, Council disapproves the removal by an affirmative, two-thirds (2/3) vote of the members elected to Council. There will be no requirement that there be three readings of a resolution to reject the Mayor's removal of the member.”
- “The Mayor may remove any police-association-representative member with or without cause. Likewise, by a simple majority vote of only non-police-association-representative members, the Commission may remove any police-association-representative member, with or without cause. Consistent opposition to police accountability and the Commission's mission and duties should cause such removal.”

“Vacancies during a term will be filled in the same manner as the original agreed selection process for the unexpired term. Within 30 days of any vacancy on the Commission, including vacancies caused by the end of a term, the City will post an announcement of any vacancy and a request for applications, widely disseminating the information. The Mayor must choose from among the applicants without delay.”
A Commission member who desires to resign, shall notify the Chair, the Mayor and the Clerk of Council of the resignation. If the Commission becomes aware of a circumstance giving rise to a vacancy, other than expiration of a member’s term or notice of resignation as outlined above, the Commission’s Chair shall notify the Mayor and the Clerk of Council as soon as possible.

Vacancies of any of the represented groups outlined in § 115-5 shall not disrupt or interfere with the commission's ability to conduct business. The exception to this rule is when there are less than seven appointed commissioners serving at any given time. This quorum is required for formal business decisions that involve a vote. Absence of an appointed quorum does not affect day-to-day operations of staff and the Executive Director shall continue to carry out their duties as outlined in § 115-5, except when matters arise that require a vote of the Commission such as large budgetary decisions.

1.4.4 Leadership

City of Cleveland Charter § 115-5 mandates the selection of a Chair. The Commission through its rules will utilize a co-chair system to meet this requirement. It will select its own co-chairs from among the members by a majority vote, using, at its discretion a run-off process or rank-order voting should there be more than two candidates for the position. Should there only be one candidate interested in serving as a co-chair the commission may proceed with a single Chair. The term of the chair is to be set by the Commission and the rules amended once a term and election cycle is agreed upon.

Duties and Powers of the Co-Chairs (shared):

- The Co-Chairs shall preside over all meetings of the Commission and shall have the right to vote on all questions.
- The Co-Chairs shall ensure that all municipal and state laws, and adopted rules pertaining to the activities and rulings of the Commission are faithfully executed.
- The Co-Chairs shall act as the spokespeople in all matters pertaining to the Commission as a whole.
- The Co-Chairs shall sign all documents on behalf of the Commission after approval by the Commission.
- The Co-Chairs shall perform such other duties and responsibilities imposed upon them by the Commission.
- The Co-Chairs shall act as the direct supervisor of the Executive Director or designate an alternate Commissioner to assume this duty.
- It is preferred that committees described below are seated voluntarily, however in order to ensure essential business of the Commission's mission is conducted the Co-Chairs shall appoint, as necessary, committees, and, ex-officio, be a member of all subcommittees.
Ex-officio for Co-chairs is defined in these rules as:

- Co-chairs have the right to attend and speak as if they are a committee member at all committee meetings except meetings dealing with nominations or elections of Co-Chairs. Attendance is discretionary;
- Co-Chairs cannot introduce motions or vote in committee meetings;
- Co-Chairs do not count in the number for determining a quorum or whether a quorum is present.

1.4.5 Committees

Committees are essential to divide labor across the multitude of duties this commission has within its authority. The Commission shall at a minimum maintain the following active committees:

- **Police Investigations, Discipline & Accountability Committee**
  Oversight of the disciplinary process, analysis of disciplinary and accountability data, lead committee for prepping evidentiary hearings related to disciplinary actions and generation of reports related to discipline and accountability.

- **Police Training Committee**
  Oversight and audit of division of police training and training curriculum.

- **Police Policy Committee**
  This committee has oversight of General Police Orders and audit of performance of general police orders

- **Outreach Committee**
  Establishes high level goals and objectives for community engagement.
  Establishes a strategic plan for community engagement along with staff on a year or bi-yearly basis.

- **Grants & Budget Committee**

- **Rules Committee**

For the first class of commissioners police related committees will be formed after initial training occurs. The Commission shall make every effort to complete the minimum amount of training required to establish these committees within 90 days of the adoption of these rules.

Other committees may be formed or abolished as deemed necessary by the Commission. Committees must consist of at least three persons but not more than five. Only members officially designated as serving on the committee are eligible to vote in committee. Each committee shall designate a chair for the purpose of conducting committee business, organizing committee meetings and reporting committee activity to the Commission as a whole.

If there are more than five commissioners interested in any committee the Co-Chairs of the Commission will have final authority in determining how the committee is seated.
Less formal work groups may be established for particular project purposes. The work groups shall report to committee chairs and may consist of non-commission members who are subject matter experts as well as Commission staff. Work groups can be run by staff members in lieu of Commission members.

1.4.6 Staff

1.4.6.1 Executive Director Appointment

“The commission will nominate its Executive Director to be appointed by the Mayor. The Executive Director will be exempt within the Unclassified Civil Service and may not have ever been a Division of Police employee.”

1.4.6.1.a Duties of the Executive Director

Under Charter § 115-5 the “Executive Director will have the authority and responsibility to:

- “Oversee and manage the functions of the Office of the Commission to advance the Commission's mission and perform other public duties as the Commission may prescribe.

- Hire, supervise, and discharge employees of the Office of the Commission. Employees of the Office of the Commission will collectively have the requisite credentials, skills, and abilities to help fulfill the Commission's duties set forth in this section.

- Execute, administer, modify, and enforce such agreements and instruments as the Executive Director may deem necessary to implement programs and carry out the Commission's duties; apply for grants and donations for Commission programs; and solicit and use volunteer services.

- Represent, together with Commissioners, the Commission in providing testimony and expertise to other city departments and offices, commissions, and other organizations regarding issues of constitutional policing.

- Create an annual budget and advocate for operational resources. The City will provide additional staff and resources not outlined in this section that it deems sufficient to enable the Commission to perform its duties.

- Manage the preparation of the Commission's proposed budget, and submit an annual budget request to the Mayor. The Mayor and Council will appropriate the Office of the Commission's budget in a budget-control level independent of any other City department. The Director of Finance may
review the budget request for lawfulness and reasonableness and make recommendations for improvement to the draft budget. No person in the executive branch will exercise discretionary authority to make changes to the proposed budget to which the Commission does not agree. Commissioners and the Executive Director may advocate for resources directly to Council members or the Council during the budget process and throughout the year.

- Authorize necessary expenditures, and enter into contracts for professional and other services in accordance with the adopted budget, develop and manage programs, and undertake authorized activities.
- Serve as Secretary of the Commission and of any advisory committee or subcommittee the Commission may create.
- Regarding regulation of the City's police force and community-police relations: maintain contacts with all community groups concerned with constitutional policing, social justice, and public safety, including police associations; report to the Commission regarding these groups' activities; and serve as a source of accurate and reliable data on issues in the field of community policing, law enforcement, social justice, and racial justice.
- Implement the Commission's decisions and, on the Commission's direction, work in cooperation with other City departments, on improvement of law-enforcement services and police accountability; work to remove inequalities that may be related to minority-group or other status related to law enforcement and related matters; conduct educational activities, institutes, meetings, and prepare reading materials, that will lead to better community-police relations.
- Exercise such other and further authority and duties as this Section prescribes."

### 1.4.6.1.b Removal of Executive Director

“The Mayor may only recommend the Executive Director's removal for just cause, subject to confirmation by a vote of 2/3 majority of the Commission. The Commission may also directly initiate removal with or without cause, with a 2/3 majority required for removal.”

### 1.4.6.1.c Staffing Levels

“The Executive Director will have at least one assistant and an additional minimum support staff of three, classified, non-competitive positions.”
Additional staffing shall be approved by the Commission and subsequently City Council through the established executive request process and within the boundaries of the budget and City Charter.

The Executive Director shall hire and/or appoint support personnel in accordance with the City’s Civil Service laws and rules.

**1.4.6.1.d Reporting Structure & Day-to-Day Operations**

The Executive Director shall report directly to the Co-Chairs of the Commission or the designee assigned by the Commission. The Executive Director shall have full and unfettered discretion in exercising their power or duties related to day-to-day operations of the Commission as described above and as additionally directed by the Commission.

In general, all formal communications with staff from the Commission shall flow through the Executive Director. Commissioners are prohibited from directing, managing or evaluating work of staff directly without the Executive Directors involvement. Conversely the Executive Director shall immediately report to the Co-Chair any conduct of employees or any business concern that could directly or indirectly affect the public image of the Commission or impairs the ability of the Commission to carry out its mission.

In the absence of an Executive Director, the majority of the Commission shall appoint a qualified staff member to serve as interim in the position with priority placed by the Commission on filling the position permanently.

The Staff of the CPC are employees of the City of Cleveland and are subject to the general rules, policies and benefits of city employees. When necessary or directed, the Executive Director will create supplemental workplace policy as long as it does not conflict with general policy or law. Conflicts or investigations involving staff shall be handled per city policy, law and in conjunction with the Department of Human Resources.
1.5 Orientation and Training

The Commission’s Executive Director in consultation with the Commission’s Co-Chairs is responsible for the establishment of an orientation and training program for the Commission members. The orientation and training program shall include familiarization with the following:

- City of Cleveland Charter, City Operations, Government Ethics, and Sunshine Laws Constitutional and other relevant law on police-citizen encounters, including law on the use of force and stops, searches, and arrests;
- Labor law, collective bargaining agreements, and due process
- Police operations & tactics with focus on CDP policies, procedure, and disciplinary rules; Additional emphasis on Bias-free policing & Policing individuals in crisis
- Investigations of police conduct;
- OPS policies, procedure, and rules; and
- Citizen Oversight best practices including evidence based research and community engagement

Training and orientation shall be provided by sources both inside and outside of the City (including but not limited to CPC Staff, Office of Professional Standards Staff, Division of Police Members, Local Professors, Prosecutors, Defense Attorneys and Other subject matter experts)

When feasible members of the Civilian Police Review Board and The Community Police Commission should collaborate training efforts and receive standardized training for all.
1.6 Budget

“The Commission's annual budget may not be less than $1,000,000, adjusted annually under the federally established Consumer Price Index (CPI), unless the Commission itself requests a lower budget. Council must increase the Commission's budget by the greater of the CPI or the percentage of increases in the Division of Police's budget. In addition to the amount above (as it may be adjusted), the Commission will receive a budget for its grantmaking to community-based violence-prevention, restorative-justice, and mediation programs that is at least 0.5% of the amount budgeted for the Division of Police.”

The Commission shall establish and maintain a Budget & Grants Committee as a standing assembly to consider issues related to grant making, budget approval, budget oversight, and other financial concerns. The Commission's Executive Director is charged with managing the preparation of the Commission's proposed budget, and submitting an annual budget request to the Mayor, with majority vote approval from the Commission. The budget shall be completed and considered for vote no later than September 1st of each year.

“The Mayor and Council will appropriate the Office of the Commission's budget in a budget-control level independent of any other City department. The Director of Finance may review the budget request for lawfulness and reasonableness and make recommendations for improvement to the draft budget.”

“Unless lawfully required to do so, no person in the executive branch will exercise discretionary authority to make changes to the proposed budget to which the Commission does not agree. Commissioners and the Executive Director may advocate for resources directly to Council members or the Council during the budget process and throughout the year.”

As an independent agent of local government funded by taxpayers the Commission shall adhere to the procurement, purchasing and payment procedures outlined in the Ohio Revised Code, City of Cleveland Charter and City of Cleveland Policies. The Commission will establish an administrative procedure(s) on expenditure approval and include it in Section 2 of this Manual.

1.6.1 Grants

In addition to the operating budget “the Commission will receive a budget for its grantmaking to community based violence prevention, restorative justice, and mediation programs that is at least 0.5% of the amount budgeted for the Division of Police.”

The Commission will establish an administrative procedure(s) for grant applications, review, awards and administration and include it in Section 2 of this Manual.
1.6.2 Compensation for Appointees

Members of the Commission shall receive compensation as may be established by Charter § 115-5 or as established by Council.
Meetings

Commission meetings shall be open to the public and shall adhere to the Ohio Public Meetings Act (O.R.C. 121.22).

The Commission shall establish a regular meeting schedule and shall give public notice of the time and place of the meetings.

The meetings and business of the Commission shall be conducted in accordance with the following:

- The agenda for each meeting will normally be provided to all members at least one week prior to regularly scheduled meetings.
- The agenda for each meeting will be posted on the Commission’s website.
- The Commission shall keep written minutes of all meetings. The meeting minutes shall also be posted on the Commission’s website.
- Segments of Commission meetings that are open to the public shall be recorded and it is preferred if they are also broadcast live. These recordings and any transcription of the recordings shall be maintained by the Commission’s Staff.

The co-chairs shall ensure that CPC staff maintain a public notification system where anyone can register to be notified of all upcoming meetings. In addition there shall be a publicly accessible calendar on the website which displays all scheduled regular meetings, special meetings and emergency meetings. Notifications must include a description of items to be discussed with agenda publicly viewable as soon as it is approved.

Print notifications should be considered in instances when schedules are fixed in advance and distributed to known community centers and partners.

All public notices shall include information with contact information on how to request reasonable accommodations for meetings.

Under certain circumstances, such as a public health crisis, meetings may be conducted via a remote format such as Zoom or Webex. Every effort must be made to record the meeting and allow for the public to actively participate in the meeting.
1.7.1 **General Meetings**

Normally, the order of business for Commission meetings shall be as follows:

1. Call to order
2. Roll Call
3. Approval of Minutes
4. Special order of business; announcements; communications; guest speakers.
5. Public comment allowing for “reasonable opportunity” per § 115-5
6. Subcommittee reports
7. Unfinished business
8. New business
9. Public meetings shall resume at such time as the Commission has concluded those matters authorized to be conducted in Executive Session.
10. Voting on business
11. Adjourn: Agendas should include a start and end time. Any extension of time should be via a motion and have a clearly stated purpose and should include an amount of time. A meeting may adjourn early with conclusion of scheduled business.

1.7.2 **Meeting Minutes**

Minutes of Commission meetings shall:

- Use the approved template;
- Record motions, decisions and votes as they occur, including the names of Commissioners who make motions and seconds
- Record how each Commissioner votes;
- Note items flagged for action by Commissioners and staff.
- Include time stamps for discussions, taken from the video recordings of the meetings;
- Write clear, brief notes in bullets or phrases rather than full sentences or verbatim wording;
- Summarize conversations at a high level so people can quickly understand what happened;
- Not record specifics of who said what, but rather summarize the conversation in a sentence or two, including diversity of opinion expressed;
- Corrections that do not substantively change the content or meaning of the minutes can be made after approval.
1.7.3 Special Meetings

Special meetings of the whole may be held at the call of the Co-Chairs. In addition, upon petition by a majority of Commissioners, the Co-Chairs shall call a meeting of the Commission within one week.

- Commission members will be given at least seventy-two hours’ notice prior to any special meeting.
- Notice of a special meeting shall be posted on the Commission’s website. Special meetings shall be public noticed at least 24 hours in advance of the meeting.
- No business other than that specified in the special meeting agenda shall be considered.
- An evidentiary hearing shall be considered a special meeting with its own set of provisions in Section two of this manual.
- Special meetings managed by two or less commissioners on topics related to the work of the commission involving the public can be conducted without vote of the whole. Notification to co-chairs is required. It is recommended that this is done in consultation with staff.

1.7.4 Executive Sessions

At a regular or special meeting, the Commission may enter into an executive session as follows:

- A motion, followed by a second, is made to enter into executive session.
- The motion states the applicable provision of R.C. 121.22(G)(1)-(8) for entering into executive session.
- A majority of a quorum of the Commission agrees by a verbal roll call vote.
- The Commission shall not vote or make any decisions during executive session.
- The meeting shall begin and end in an open session.
- The minutes of the regular or special meeting at which the executive session occurs shall reflect the motion to enter into executive session, the statutory basis, and the roll call vote.

There shall be no minutes kept in executive session. Commissioners may keep personal notes taken for their own convenience or memory, that are not circulated, and are not minutes and not public record.
1.7.5 Emergency Meetings

In certain circumstances an emergency meeting may be called. An emergency meeting is convened because a situation requires immediate official action. For this type of meeting, the notice requirement is immediate. The members of the Commission must immediately notify all public stakeholders through its media channels and members of the media. An executive session shall not be conducted at an emergency meeting.

1.7.6 Committee Meetings

Committee meetings shall follow the same format, order of business and guidelines as general meetings in this section.

1.7.7 Workgroup Meetings

Workgroup meetings are less formal in structure and should have an agenda pertaining to the project they are assembled for i.e., researching a topic, drafting/discussing a specific document or planning an event.

These meetings shall also be open to the public, although the level of participation is at the discretion of the Commission members or staff running the meeting. Votes pertaining to commission business are prohibited from occurring in work groups. Workgroups may also be conducted remotely at the discretion of the Commission members or staff planning the meeting.

1.7.8 Meeting Attendance & Participation

Commission members have a duty to use best efforts to attend all regularly-scheduled CPC meetings and committee meetings when applicable.

Commission members have a duty to use all reasonable efforts to attend any special, emergency, or other similar meetings that are not regularly scheduled.

If a Commissioner cannot attend a meeting or other function of the CPC where official business will be conducted, the Commissioner must provide notice to the Commission Co-Chairs and the CPC Executive Director as soon as possible. A reasonable effort should be given to provide notice more than 72 hrs. in advance. The Co-Chairs will have discretion
to classify absences as excused or unexcused. Excused absences and emergencies are defined but not limited to as due to one or more of the following:

- Illness
- Family leave
- Out of town trip
- Emergency
- Cleveland Community Police Commission related business
- Religious or cultural events, obligations and special occasions
- Mandatory employment obligations

Even excused absences and emergencies impact the work of the CPC and may trigger the excessive absence removal process. The Executive Director or designee will track all Commission member absences in an electronic database.

Committee chairs can use these rules as a guideline. If attendance at a committee becomes an issue that hinders the work of the committee the committee chair shall bring it to the attention of the co-chairs to develop a plan for action.

**1.7.8.1 Chronic Absenteeism**

Chronic absenteeism can negatively impact the Mission of our organization. Chronic absenteeism related to full Commission meetings includes:

- any Commissioner who has two (2) un-notified absences in a row ("un-notified" means the member did not contact either the Chairs or Executive Director 72 hours before the upcoming meeting to indicate they would not be present at the upcoming meeting);
- any Commissioner who has three (3) unexcused absences in a row; or,
- any Commissioner who misses one-fourth (¼) of the total number of full CPC meetings in a six-month period.

The official attendance record will be kept with the Minutes of each meeting. Chronic absenteeism will trigger the Co-Chairs to initiate the removal process outlined in Charter § 115-5 under the charge of "gross neglect of duty".
1.7.8.2 **Tardy Policy**

It is the responsibility of each Commissioner to attend all scheduled meetings of the Community Police Commission on time as chronic tardiness can negatively impact the mission of our organization.

Tardy per these rules is not being present for the call of roll but later in attendance.

Chronic tardiness related to full Commission meetings:

- any Commissioner who has four (4) un-notified tardies in a row ("un-notified" means the member did not contact either the Chairs, Sub-Committee or Work Group chairs, or Executive Director 30 minutes before the upcoming meeting to indicate they would be late to the upcoming meeting);
- any Commissioner who has six (6) notified tardies in a row; or,

Chronic tardiness will trigger the Co-Chairs to initiate the removal process outlined in Charter § 115-5 under the charge of “gross neglect of duty”.

A Commissioner is considered present at a meeting if they have attended 75% or more of the scheduled meeting time.

1.7.8.3 **60-Day Non-Participation Rule**

When any Commissioner has not participated for a 60-day period in Commission business, the Co-Chairs shall contact the absent Commissioner, discuss the absence and then recommend an action to the Commission. The action shall attempt to resolve a non-participation issue in a manner which considers the productivity and mission of the commission as the highest concern.

1.7.8.4 **Participation Requirements when Absent**

In the interest of ensuring that the business of the organization proceeds in a timely fashion with the input of all its members, Commissioners absent from Commission meetings will read through the minutes and send commentary on actions taken or issues discussed in those meetings to the Co-Chairs via email before the next Commission meeting. This does not take the place of a Commissioner attending any meeting.
1.7.8.5 Extended Absences

In special circumstances, the Commission may grant a leave of absence not to exceed three (3) months.

This will be designated as an “extended absence.”

- Each commissioner during a four year term (the first class of two year Commissioners is also eligible) is automatically granted an extended absence (1-3 months) when requested to the co-chairs in advance. The request must include a start date and end date. This is granted on a first come, first serve basis.

- There shall be no more than two commissioners granted voluntary leave of absence at one time. Emergencies will be given special consideration.

- A Commissioner seeking an additional extended absence in a single term shall submit a subsequent written request for a leave of absence to the Chair. The written request shall state the reasons for the request and the expected date of return to active participation on the Commission. The Co-Chairs will then submit the request for a vote of the full commission.

1.7.9 Chair Pro Tem

If the Chair / Co-Chair is absent at any meeting of the Commission and they have not selected a Chair Pro Tem, the Commission shall select a Chair Pro Tem who shall perform all the duties of the Chair / Co-Chair for that specific meeting only.

1.7.10 Duties of the Executive Director / Secretary

- The Executive Director shall serve as the secretary of all meetings per Charter § 115-5.

- The executive director may designate another staff member to function in this capacity or support this capacity as needed.

- The Secretary shall keep a true and correct record of all proceedings of the Commission.

- The Secretary shall work to ensure that CPC staff maintains custody of all reports, books, papers, and records of the Commission.
1.8 Meeting Decorum

The Commission shall use Robert's Rules of Order to conduct business at all full commission and committee meetings to introduce motions, and maintain civility.

1.8.1 Quorum and Voting

Two-thirds of members currently appointed to the Commission shall constitute a quorum at a meeting. Voting on official business shall not be conducted when the Commission falls below seven appointed members due to vacancies.

The affirmative vote of the majority of members present shall be required to carry a motion, proposal, or recommendation, unless provided otherwise in this Manual.

1.8.2 Method of Voting

Roll call voting is the mandatory method of voting for clear record keeping.

1.8.3 Proxies

Members are not allowed to vote in advance or by proxy for business raised at Commission meetings.
The rules contained within this Operating Manual, and the procedures and rules outlined here, may only be modified, revised, amended, replaced, or otherwise changed via the following process:

- A Commissioner or the Executive Director must raise the issue or proposed change to the Chair of the Rules Committee.
- The Manual amendment must be read, discussed and voted on as part of the Agenda of a Rules Committee meeting prior to the amendment being introduced to the full commission.
- For the initial adoption of the manual and adoption of any proposed amendment to the Manual to become effective, two-thirds of the permanent members (i.e., 9 out of 13 members) must vote in favor.

With the exception of the first adoption of rules, which will take immediate effect, any subsequent rules changes in the Manual take effect fifteen (15) days after their publication in the Official Minutes of the meeting.

During the pendency of the Consent Decree between the United States and City of Cleveland addressing the performance of the Cleveland Division of Police and related organizations and systems, any and all modifications, revisions, amendments, replacements, or other changes to this Manual must be in the best interest of meeting the objectives of the Decree. The changes may be required to be presented to the court via the law department.

This manual of rules will be reviewed via committee at least once annually.
SECTION 2: PROCEDURES

2.1 Oversight Coordination, Police-CPC Relationship Management and Dispute Resolution

The Commission was granted broad powers under Charter § 115-5 to exercise stronger civilian control and accountability over the Division of Police. Section 1.1 of the Administrative Rules contains the full list of duties and authority of the Commission according to the Charter. Controlling powers explicitly stated in the Charter section as adopted by the voters includes:

- Final authority on whether discipline imposed on a police officer is sufficient
- Final authority on establishment of policy, applications, and examinations by which new police recruits must be sought out and recruited and screened, including screened for bias
- Final authority over police policy, procedures and training regimens

Also included are powers to investigate, audit and make recommendations and provide technical assistance in nearly all domains of police management and divisional human resource matters.

Commissioners may also compel Civilian Police Review Board (CPRB) and Office of Professional Standards (OPS) to conduct investigations as well as broadly audit investigative practices of these complementary civilian organizations.

The complexity of the systems in place as a result of Charter § 115-5 will require a great deal of strategic coordination to ensure efficiency and maximum value of taxpayer expenditures. The responsibilities of each organization can overlap and result in unnecessary duplication of efforts, costly court conflicts and loss of community trust in the entire system. In order to reduce conflict and increase efficiency every effort should be made by members of Commission and its staff to:

1. Conduct regular meetings with the Director of Public Safety, the Chief of Police, police commanders, the inspector general, the superintendent of Internal Affairs, representatives of the Civilian Police Review Board and Office of Professional Standards.

2. Attend regular meetings of importance of each of the complementary organizations described above such as monthly Civilian Police Review Board meetings, Compstat and other data sharing meetings, District Policing Committee Meetings, Policy Review Committees, Training Review Board Meetings, Force Review Board Meetings, Mental Health Response Advisory Committee (MHRAC), and Community and Problem Oriented Policing (CPOP) Committee meetings. Commissioners may be assigned as liaisons to regular meetings. In addition a member of staff shall always attend these meetings when available regardless if a commissioner is in attendance or not. The executive director or their designee has sole authority to determine which staff members attend commission meetings and other city meetings related to the work of the Commission. This list is not
inclusive of all meetings that are relevant to the Commission. Meetings are subject to changes in names over time.

3. Special business meetings should be called to discuss important issues, crisis situations and matters of immediate public concern jointly with the city administration when possible with key decision makers from the division and other city departments invited to attend.

Cooperation:

Charter § 115-5 explicitly states that full cooperation by the Chief of Police, and the executive head of the police force, is required by law in the performance of its duties. However, the provision alone does not guarantee elimination of conflict. Every effort should be made to resolve conflicts in a healthy and constructive manner between the Commission and the Division of Police prior to taking legal actions.

Further, it is advisable that the Commission consider alternative dispute resolution such as mediation by a third party before a legal action is formally filed. An attempt at mediation should not result in loss of right to take action in the future and it is non-binding. The commission is granted the right to outside legal counsel at its discretion when it deems a conflict of interest exists between the commission’s mission and representation from the city’s Department of Law.

The Co-Chairs may lodge a formal complaint with the hiring authority of any employee of the City who does not cooperate with the Commission in the lawful execution of its duties and seek relief as defined in Charter § 115-5 up to and including termination of the employee.

A commissioner or staff member who feels a city employee is not cooperating or is interfering in any commission business or request shall submit a summary of the incident or incidents in writing to the committee chairs, commission co-chairs and executive director. The summary shall include any supporting evidence such as emails or text messages. The co-chairs and the executive director will review and solicit additional information. If the evidence supports the claim the executive director will send a formal complaint to the appropriate city authority. The complaint will be announced at the next regular public meeting of the commission.

The following charter language regarding records requests from § 115-5 is referenced above:

“Requesting and timely receiving, without the need for making a formal public-records request, from other City departments and offices including the Division of Police and Director of Public Safety, information relevant to the Commission's duties that must be disclosed if requested under the Ohio Public Records Act.”

“Exercising independent judgment and offering critical analysis in the performance of their duties without interference or non-cooperation from any person, group, or organization including the Chief of Police, the Director of Public Safety, the Mayor, the executive head of the police force, other Division of Police employees, and other city officials. City employees who violate this provision may be subject [to] discipline, or censure consistent with city and state laws. to dismissal,
Note: The paragraph above was set forth in the language adopted by the voters. The intended language was likely "... may be subject to dismissal, discipline, or....", but the editor has no discretion to revise adopted Charter language.

“Full Cooperation by the Chief of Police, Division of Police, and Executive Head of the Police Force Required. The Chief of Police, all Division of Police employees, and the executive head of the police force must fully cooperate with the Commission in performing all of its duties. Failure to do so is a terminable offense and the Commission may seek injunctive relief for failures.”

Note: This list is not exhaustive of all relevant language in the Charter.
Data, documents, and testimony are three key elements that will help ensure success of this Commission. All Cleveland departments and divisions are potential sources of information on policing in the City. In particular the city’s Law Department, Department of Public Safety, Division of Police, Civilian Police Review Board, Office of Professional Standards, and Cleveland Municipal Court. The Commission’s Executive Director shall work to establish data and information exchange processes with these departments.

While regularly produced reports from the Division of Police such as monthly divisional notices and discipline disposition letters should always be shared with the Commission, there are times when advance coordination of information will be beneficial.

In its first year, the Commission’s Executive Director shall work with the Department of Public Safety to attempt to establish a policy for sharing the following information with the Commission in draft format:

- When discipline is decided by the Chief of Police or executive head of the police department, and prior to official notification of the outcome to the officer
- When a new or revised General Police Order is in draft format prior to its implementation
- When a change to policy, applications, and examinations by which new police recruits must be sought out and recruited and screened, including screening for bias, is created
- When training curriculum is added, updated, or amended
- When applications for the position of police commander or inspector general are received

Policy for sharing these documents and response timelines by the Commission when warranted should be agreed upon by the CPC and the Department of Public safety and adopted in this manual. In the absence of an agreement the commission shall use its authority to establish a policy or policies for the Division that address this section of the manual.

Regular dashboards and reports shared by command staff and executive leadership related to the Division of Police, CPRB, and OPS should automatically be shared with the Commission along with all divisional notices when they are distributed.

When the law does not prohibit civilian access, designated CPC staff should be given access and ability to run queries in any police data and record management system. This will reduce the need for bureaucratic records requests from the Commission and improve efficiency.

The Commission’s Executive Director shall request a records liaison be assigned by the department of public safety to serve as the principal manager of all Commission requests. This person should have authority to meet requests in a timely manner without delay. The same request will be made to the Civilian Police Review Board.
Requests for data and information from any city department by a Commissioner shall be made through the Executive Director in order to ensure proper tracking, delivery, and archiving of the requests.

A timeline and rules for providing information to the Commission for the duration of the Consent Decree has been ordered by Judge Solomon Oliver Jr. on September 3rd, 2021 and applies to this section as long as the Decree is in effect. The ruling is cited below and cannot be edited or changed:

It is hereby ORDERED as follows:

The City and the CDP shall provide all information within 21 days of receipt of a future request for information from the CPC, or such other deadline as agreed upon with the CPC, the United States, and the Monitoring Team.

If the City and CDP object to a future request for information from the CPC, they will submit their objections to the CPC, the United States, and the Monitoring Team within 7 days of receipt of the request. If either the United States or the Monitoring Team disagrees with the City’s and CDP’s objections to the request within 7 days of the objection being made, the City will produce the information or it may petition the Court to relieve it of its obligation to produce the information within 7 days after receiving notice of the disagreement.

This order does not mean that language in § 115-5 that mandates cooperation does not apply. The Commission has subpoena power and the Commission shall seek legal counsel anytime the Division or another city agency refuses to share information it requests.

Beginning in its second year, the Commission shall make a good faith effort to share a strategic framework with the community and stakeholders each year no later than January 31st. The framework shall contain objectives and priorities for the following year including any audits of performance or planned major policy work. The Commission shall solicit community feedback in the months leading to the development of the plan to ensure that the objectives of the commission continue to align with the needs and concerns of various communities in Cleveland. The framework does not limit what can be done in the year and the commission reserves the right to add or remove work from its framework should a need arise.

With the exception of the first year, an annual report shall also be prepared no later than March 1st of each year that summarizes the work and outcomes of the Commission in the preceding year.

The Commission shall also endeavor to publish factual material, reports, recommendations, and notices as the commission deems important and within the scope of its work.
2.3 **Subpoenas**

The Commission has the power to compel, through administrative subpoenas signed by the Commission’s Co-Chairs or Executive Director, the attendance of witnesses and the production of evidence, that the commission deems necessary for the performance of its mission. This subpoena power includes, but is not limited to, the power to compel entities throughout and within the City. If a subpoena is warranted, it likely implies a breakdown of communication and cooperation between the Commission and another City Department. It is therefore strongly recommended that the Commission seek independent counsel, if counsel does not exist on staff, in circumstances when an intra-city subpoena is necessary.

Prior to issuing a subpoena to any city official or representative of an office, a notification shall be sent to the Appointing Authority of the person or persons receiving said subpoena.

Subpoenas shall be issued in either of two ways:

1. The CPC shall supply subpoenas to the city’s Law Department for assistance with serving subpoenas. A subpoena is deemed served when:

   a. It is personally served upon the person; or

   b. It is received by the person at the person's last known address by certified mail, return receipt requested; or

   c. It is left at the usual place of residence, or last known address of the person, with an adult residing therein; or is left with the subpoenaed witness's government employer who has agreed to timely provide the subpoena to the witness.

2. The Commission shall mail subpoenas by ordinary United States mail to the last known address of the person as directed by the party requesting the subpoena. If the service by certified mail the previous section of this rule is returned with an endorsement showing the service was refused or unclaimed, then the subpoena may be sent by ordinary mail, evidenced by a certificate of mailing.

The CPC shall not mail subpoenas fewer than fourteen (14) calendar days in advance of an appearance. If subpoenas cannot be mailed more than fourteen (14) calendar days in advance of an appearance, the CPC shall, on request, hold the subpoenas so they can be served on the witness at the time of appearance. Subpoenas to appear and produce documents (duces tecum) shall be received at least ten (10) calendar days prior to the appearance.

To be enforceable, witnesses shall receive their subpoenas at least seven (7) calendar days prior to an appearance. Absent proof that a witness has received a subpoena in a timely manner, the Commission shall not enforce the subpoena nor hold the record open for the testimony of a non-appearing witness without proof or receipt of a subpoena.

Charter § 115-5 mandates that City Council legislates punishments for non-compliance with the Commission’s subpoenas. The Commission shall work with City Council to establish punishments for non-compliance and update this manual as appropriate.
2.4 Receipt of Citizen or Officer Incident-Based Complaints

2.4.1 Referrals of New Complaints

Citizens bringing new complaints against any member of the Cleveland Division of Police to the Commission shall be referred to the Office of Professional Standards. Officers bringing new complaints against any member of the Cleveland Division of Police to the Commission shall be referred to the Office of Internal Affairs, Office of Professional Standards, or both. The Chief's office shall also be notified of the complaint when appropriate. Contact information for the persons shall be taken by staff and staff will ensure timely referrals to OPS/CDP.

2.4.2 Follow Up

The Commission’s staff shall assist complainants with the process and follow-up on complaint referrals to ensure receipt and continuity of the complaint. In addition, all complaints will be monitored by the Commission for timely resolution and reviewed for integrity at its discretion.

2.4.3 Complaints Related to Lawsuits

Charter § 115-5 states the CPC shall do the following:

“Directing the Civilian Police Review Board to independently investigate the conduct of every police officer against whom a lawsuit has been threatened or filed, or for whom the City has paid a settlement to obtain a liability release, or against whom there has been a court judgment for alleged misconduct.”

A vote is not required on this matter as Charter § 115-5 mandates a referral to CPRB when litigation is known to the Commission as a whole. The staff of the CPC shall request monthly updates/reports from the City Law Department on litigation against members of the Cleveland Division of Police.

2.4.4 Complaints Related to Past Disciplinary Actions

Per Charter § 115-5, the Commission is authorized to conduct independent investigations and/or evidentiary hearings into any previously adjudicated discipline decision for the purposes of increasing discipline or initiating discipline where none was imposed. This is a discretionary power and can be initiated by the Commission or requested by a member of
the public. The appeal process is not automatic and must be via petition. Petitions shall be received in one of the following ways:

By a member of the public at an open public meeting.
By a member of the public via a written request.
By a commissioner on behalf of a member of the public.

After receipt of a petition, the Executive Director will have a legal analysis conducted of the feasibility of the request. The initial analysis will be done by staff and legal counsel. Legal counsel shall be a CPC staff attorney or counsel retained by the Law Department when requested by the Commission due to a conflict of interest. The petition analysis will include:

The offense and summary of the facts of the case as used to determine the discipline

Has the disciplinary process been completed at the time of petition, has due process been followed, and has the complaint reached the stage where it is eligible for review by the CPC according to the law, contracts, and policy in place at the time of the discipline in the City of Cleveland;

- A brief summary of the incident and known facts supporting the discipline decision:
- The time and date of the administered discipline and how the complaint’s age may affect the ability of the case to be heard by the Commission;
- An impact analysis on any pending criminal or civil cases related to the discipline;
- A general opinion on the feasibility of the case based on past and prior discipline decisions utilizing the same disciplinary matrix;
- Any special notations, novelties or concerns about the case:
- And a recommendation for either pursuing or not pursuing the petition.

This analysis shall be completed within fifteen (15) days of receiving a petition. Once completed, the analysis shall be discussed and voted upon in a Police Investigations, Discipline & Accountability Committee meeting. If no committee meeting is scheduled, one will be scheduled for the specific purpose of publicly discussing the petition and analysis without delay. Witnesses related to the discipline case shall not be called at this point. The committee will then vote to approve the petition and proceed with an evidentiary hearing before the entire commission, or to deny the petition. A majority vote of the committee will carry a motion related to a petition.

The Commission may also accept a matter to decrease disciplinary action against an officer when there is a preponderance of evidence that an officer is facing retaliation for protected activity or whistleblowing about misconduct within the division. Officers may not automatically appeal to the Commission; however, they are encouraged to petition the Commission to review discipline when they believe actions taken against them are related to protected activity or whistleblowing. An officer may use an association, a union, or their legal
counsel as a proxy if there are concerns about maintaining anonymity. This shall be done via a confidential conference with the Executive Director and the Chair of the Police Investigations, Discipline & Accountability Committee. The matter of protecting a whistleblower to the extent the law provides, and guidelines for how to do so, shall be addressed in the initial legal analysis of the petition. The existence of a civil legal action by the officer against the City or the Division of Police mandates a referral to OPS for investigation. In these instances, due process via OPS should be followed prior to the Commission taking action.
2.5 Other Independent Investigations

Generally, this Commission is considered an “oversight” organization. In this capacity, investigations are typically broad and evaluate overall quality or impact of a process or policy.

Investigations may in some instances include an audit of a particular incident and how it was handled by the primary agency, such as a use of force investigation or vehicle pursuit. The standard for the audit shall follow an adherence to the policy in existence at the time of incident.

The scope shall not be to re-investigate the facts, but to improve the investigative process or subject policy in the future. However, the Commission may uncover new evidence or witnesses during an audit that were overlooked, mandating the original investigation to be re-opened or amended. In these instances, an order to do so shall be warranted.

Investigations other than specific disciplinary reviews via evidentiary hearing shall be conducted by an exchange of correspondence between the Commission and the parties. Unless a party can show good cause for its failure to respond, the Commission will base its decisions on the information received within the response time allowed. Generally, the Commission’s staff will produce reports detailing the facts of an investigation and recommendations, which the Commission will thereby approve via a vote at a regular meeting. At the Commission’s discretion, investigations may be set for a special meeting, open to the public, to review evidence, deliberate, and consider recommendations prior to issuing a written report.

As described above, complaints about new incidents from citizens or officers should be referred to the appropriate entity for the initial investigation. This is to ensure that each organization is given the opportunity to fulfill its primary mission without redundant efforts or interference by others.
Public Speaking, Commentary and Media Relations

Transparency and flow of information and data are vital to police reform. The Commission is a key source of information for the public. It should approach the power of information in a way that is in line with its mission and a focus on integrity and credibility at all times. The end goal should be to maintain trust between the public and the Commission.

In general all Commissioners and staff shall adhere to these guidelines when speaking in their capacity as a commissioner.

- Be transparent: Let factual information and data flow
- Provide information and data, not narrative or rhetoric
- Do not volunteer information that is confidential, that diminishes the esteem of the Commission, and that harms public trust

The Co-Chairs are the official spokespersons of the Commission and in general are the primary source of interviews for the media about the general work and official positions of the commission. The Co-Chairs may also designate this role to Commissioners when they are unable to fulfill the duty or if someone has greater knowledge on a specific topic. However, Commissioners are often asked to speak as subject matter experts for a variety of policing topics. This activity should be encouraged and supported. When a commissioner is giving an individual opinion it should be made clear that the opinion belongs to them and does not represent the position of the Commission.

Co-Chairs and the executive director shall be notified in advance of all planned speaking engagements regarding the work of the commission.

The Commission has full time staff available to assist with topic research, marketing, media, and speaking engagements. Prior to a scheduled speaking appearance the Commissioner shall reach out to the Executive Director or in absence the Assistant Director to obtain the most up to date facts and information about the subject matter they are asked to speak upon.

The Executive Director is authorized to speak to the media on the commission’s work, the work of staff and provide comments that support the mission and strategy of the police commission.

The Executive Director is subject to city policy regarding communications with the public. Staff may also be designated to speak to the media with the approval of the Executive Director.

All written statements and reports, having been publicly discussed and voted upon by members of the Commission as stipulated in the Commission’s bylaws, shall be understood to represent the Commission as a whole.

Reports shall contain only the names of the individuals, including Commissioners, who contributed to the work.
Letters or statements voted on at a full Commission meeting shall contain the names and/or signatures of all Commissioners.

Press releases shall be identified as originating from and representing “the Cleveland Community Police Commission.”

**Crisis Communications**

High profile events that occur in Cleveland, such as an officer involved shooting or other use of force, will garner significant media coverage. These local events increase potential conflict between the police and the communities they serve. These types of incidents also increase the level of general public concern. The Commission shall work jointly with the City to ensure that the public has a factual understanding of the event and also maintain the integrity of the investigation. It is important that the Commission has a process in place to reduce liability and respect due process. Therefore only the Co-Chairs and the Executive Director are authorized to speak or put out a statement about high profile cases or crisis events involving the Cleveland Division of Police while the event is under investigation.

The Executive Director shall work with city officials to ensure that there is a process in place to notify the Commission of these events as soon as reasonably possible. When an incident occurs the Executive Director shall notify the Co-Chairs as soon as reasonably possible. The Executive Director shall endeavor to create a joint crisis communications policy with the Mayor’s Office of Communications to ensure smooth, timely flow of information.

It is practical and recommended that an emergency meeting be held when a community crisis of significant public concern warrants it.

The Commission does not need to vote to approve public messages that are generalized and not taking an official stance on a business issue such as a recognition of an event occurring or condolences. The staff shall notify the Chair when these messages are crafted.
2.x **Brady Giglio List**

Officer integrity is of the utmost importance to the community, thus a provision in Charter § 115-5 states:

“Soliciting, gathering, compiling, organizing, maintaining, and generally updating information on individual police officers whose career records or personal history merit designation or disclosure even reasonably arguably advisable under Brady v. United States or Giglio v. United States and those cases' progeny; ensuring that the Division of Police and municipal, county, state, and federal prosecutors disclose such information at the beginning of the discovery process in all criminal and civil cases in which such officers could be witnesses or are parties; making such information readily publicly accessible on the City's website; and publicizing and devising means of public accountability for failures in the Division of Police, by the Chief of Police, by the Department of Law, by the Cuyahoga County Prosecuting Attorney, or others to track, identify, maintain, organize, and disclose such information. The Commission must undertake this duty as to all current police officers, including information predating this Section's effective date”

The specific case details of Brady v. United States or Giglio V. United States and those cases associated with it are outside the scope of this manual. Essentially they address officer credibility concerns and bias. An officer may be impeachable as a witness when either of these conditions exist. The citizens of Cleveland have charged the Commission with managing a list of Cleveland Division of Police Officers who may qualify due to past history and behavior. Potential material affecting officers:

- Misconduct involving moral turpitude
- Untruthfulness
- Bias
- Integrity
- Misdemeanor convictions involving moral turpitude
- Evidence undermining the officer’s expertise
- False reports by the officer in other cases
- Evidence of drug or alcohol addiction such as past Driving Under the Influence arrests

The Division of Police has a legal obligation to report to prosecutors when any of these potential inclusion criteria are met. At the time of writing this manual the Cleveland Division of Police does not have an official policy on how they handle this. They do however send information in good faith to the prosecutor and if the county prosecutor agrees they return a “Brady Letter” which is then placed in the officer's personnel file.

The commission shall at a minimum obtain copies of these letters from the Cleveland Division of Police and make them available to the public as mandated by Charter § 115-5. The commission's staff shall also monitor all discipline notices for evidence of officers who are
alleged to engage in behavior arguable for inclusion on a Brady/ Giglio list. This rule will be revisited when the Cleveland Division of Police creates its “Integrity Policy” as mandated in the Consent Decree or if the creation of the said policy exceeds one year from the adoption of this rule.
2.x Expenditure Approval and Budget Oversight

As an independent agent of local government funded by taxpayers, the Commission shall adhere to the procurement, purchasing and payment procedures outlined in the Ohio Revised Code, City of Cleveland Charter and City of Cleveland Policy.

City of Cleveland partners shall assist the Commission in navigating the purchasing process including providing guidance and access to pre-existing contracts, buyer programs, and other resources when applicable. The City shall also assist by drafting and introducing any required legislation and contracts. The executive director is an authorized signatory for lawful contracts according to Charter § 115-5. The City shall not exercise discretion in determining operational spending except the Director of Finance or designee may intervene when a request is in conflict with a purchasing policy or law. In general all purchases should be:

Reasonable and serve the mission of the CPC
Cost-effective;
Ethical; and
Lawful.

The Commission allows for the Executive Director to have conditional discretionary authority over parts of the Commission’s budget. Specific line items that apply are listed below but may be expanded by the Chair of the Grants and Budget Committee:

- Salaries (ED Discretion within ranges approved in Commission’s budget)
- Staff Training and Professional Dues
- Operational Contractual Services (With the exception of “Outside Professional Services” i.e, consultants and attorneys)
- Materials and Supplies
- Interdepartmental Service Charges

2.x.1 Commission Pre-Budgeted Expenditures (Bid Not Required <$ 1,000)

Any purchase in a budget approved line-item approved by the Commission not requiring a bid for procurement may be authorized by the Executive Director.
2.x.2  Commission Unbudgeted Expenditures (Bid Not Required < $1000)

Any purchase of a previously unapproved line-item in this category not requiring a bid requires a 24 hr. notice to be given to the Commission’s Budget Chair via email.

Justification for the purchase must be given in the email. The Commission's Budget Committee chair with or without consultation of other commissioners reserves the right to deny or delay expenditures in this category within the first 24 hrs. Denied requests can be presented at a public Budget and Grants Committee meeting for reconsideration of the Committee.

2.x.3  Commission Pre-Budgeted Expenditures (Bid Required > $1000)

Any purchase of a budget approved line-item requiring a bid totaling ($1000-$9,999) requires 24 hr. notice to be given to the Commission’s Budget Chair via email. The email must include justification for the winning bid.

Any purchase above $10,000 requires a proposal be given to the Commission, presented at a Budget Committee public meeting and approved by the committee and subsequently approved by the full commission.

2.x.4  Commission Unbudgeted Expenditures (Bid Required > $1000)

Any purchase of a previously unapproved line-item requiring a bid totaling ($1000-$9,999) requires 24 hr. notice to be given to the Commission’s Budget Chair via email. The email must include justification for the winning bid. The Commission's Budget Committee chair with or without consultation of other commissioners reserves the right to deny or delay expenditures in this category within the first 24 hrs. Denied requests can be presented at a public Budget and Grants Committee meeting for reconsideration of the Committee.

Any purchase above $10,000 requires a proposal be given to the Commission, presented at a Budget Committee public meeting and approved by the committee and subsequently approved by the full commission.
2.x.5 Requests for Proposals/ Requests for Qualifications

Staff may develop an RFP/RFQ and evaluation process on the Commission's behalf. Before RFQ/RFPs are sent to the City for posting, the Budget Chair must see the draft. With no objections from the Budget Chair, a draft should then be forwarded to the Budget Committee for review. Once feedback is considered and changes made a simple majority vote shall move the draft forward for full Commission vote.

Staff may serve as scorers for RFQ/RFPs. Commissioners reserve the right to act as scorers for RFQ/RFPs and should declare their intention to serve as scorers before the RFP/RFQ is sent to the City.

In emergency situations that require Commission approval in-between Commission meetings, the Commission’s Budget Chair and Commission Chair can sign-off on RFQ/RFPs with notice to the Commissioners of the emergency and 24 hours having passed for objections to occur.

The Commission reserves the right to not approve the selected vendors from the RFQ/RFPs process. RFQ/ RFPs can be canceled by a vote of the Commission at any point prior to the contract being awarded.

2.x.6 Appearances Before Council

Some purchases may require city council approval via legislation. In these instances an appearance is typically made by a representative of the Commission. When required the Executive Director or staff designee will appear to make the request and answer questions. It is recommended that the Budget Committee chair also appear if able to attend.