



THE CLEVELAND COMMUNITY POLICE COMMISSION (CCPC)

INITIAL RECOMMENDATIONS: CIVILIAN POLICE REVIEW BOARD & OFFICE OF PROFESSIONAL STANDARDS OPERATIONS MANUAL

March 17, 2016

Cleveland Community Police Commission (CCPC)

Initial Recommendations: CPRB/OPS Operations Manual **(Due: March 17, 2016)**

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I. PRB/OPS Work Group Members

The PRB/OPS Work Group is one of the standing work groups under the Policy and Procedure Assessment Committee of the Cleveland Community Police Commission. The members are:

- Rhonda Y. Williams, Work Group Chair; Co-Chair, CPC
- Mario Clopton, Co-Chair, CPC
- Craig Boise
- Sergeant Timothy Higgins (former member)
- Detective Steve Loomis

The Work Group would like to thank all Commissioners and participants in the process. These recommendations will be posted on the CCPC website. Any additional feedback or input received from Commissioners, community members, or other stakeholders will be recorded and forwarded to CPRB and OPS at the appropriate times during the revision process.

II. Purpose & Deadline

Initial Recommendations: March 17, 2016

As per the Monitor Plan (approved February 1, 2016):

- OPS will develop a revised operations manual. (Paragraph 200). This will include revisions of the OPS complaint form and the translation of the form into both English and Spanish. (Paragraph 208.)

- The Cleveland Community Police Commission (CCPC) will review the First Draft of the CPRB/OPS Operations Manual to determine whether it adequately reflects community interests, values, experiences, and concerns.

III. Consent Decree Mandate

Paragraph 200. Within 180 days of the Effective Date, OPS will develop a revised operations manual that will be made available to the public. The manual will, at a minimum, include the following:

- a. a mission statement that defines OPS and CPRB's core values, mission, and authority;
- b. definitions of all relevant terms;
- c. investigative procedures, including procedures for objective fact-gathering and evaluation and the factors that will be considered when evaluating credibility; procedures on report writing; and procedures for collecting and processing evidence;
- d. procedures outlining when complaints may be administratively dismissed and the process with which OPS must comply to ensure that complaints are not prematurely or unnecessarily dismissed;
- e. outlines the duties and practices of CPRB, including how CPRB will review OPS findings, how cases will be presented to CPRB by OPS, the standard of review CPRB will apply to reviewing complaints, how disciplinary recommendations will be determined, and a description of the types of information CPRB will make available to the public; and
- f. an explanation of possible dispositions and outcomes of complaints.

Paragraph 208. Within 180 days of the Effective Date, complaint forms and related informational materials will be made available, at a minimum, in English and Spanish. OPS will make every effort to ensure that complainants who speak other languages (including sign language) and have limited English proficiency can file complaints in their preferred language. The fact that a complainant does not speak, read, or write English, or is deaf or hard of hearing, will not be grounds to decline to accept or investigate a complaint.

IV. Review & Recommendation Process

On Thursday, March 3, 2016, the CPC's Police Review Board/Office of Professional Standards (PRB/OPS Work Group) met. In attendance were members of the Cleveland Community Police

Commission’s PRB/OPS Work Group; the Civilian Police Review Board chair; the OPS administrator; OPS investigators; and Monitor Team members.

At the work group meeting, the current draft of the Cleveland CPRB/OPS Internal Operations Manual was discussed. The work group considered manuals from other cities, including Seattle, which was identified unequivocally as the “standard bearer” for an Internal Operations and Training Manual. The other manuals were from Durham, N.C.; Las Vegas, NV; the Village of Ossining, NY; and Urbana, IL. At this meeting, participants also began discussing in some detail what should be in the Cleveland CPRB/OPS Internal Operations Manual.

The CPC’s PRB/OPS Work Group agreed to have a subsequent meeting to:

- Continue the discussion about what should be included in the Cleveland CPRB/OPS Manual.
- Propose an inclusive revision process that would include, alongside the CPRB chair and OPS administrator, the OPS investigators and staff, as well as other appropriate persons.
- Draft a draft “Table of Contents” that provides guidance in capturing the recommended substantive content for inclusion.

The follow-up meeting was held on Thursday, March 10, 2016. This meeting included representatives of the CPC’s PRB/OPS Work Group and from OPS.

V. General Content Recommendations

The CPRB/OPS Internal Operations Manual will develop standard operating procedures that detail the policies and procedures governing employees and the work, the complaint process from start to finish (including initiation of complaint, intake process, investigations, findings and dispositions process, and pre-disciplinary hearings, etc.). The manual should also include the orientation process and outline training requirements and opportunities for all personnel.

The OPS Administrator, CPRB Chair, Office Staff, OPS Investigators and CPRB Members need “rules of the game.”

See general recommendations in the grid below.

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| <ul style="list-style-type: none">• Overview on the current Draft of the CPRB/OPS Internal Operations Manual: The draft manual, as is, offers a sketch or outline. It needs to be more robust and comprehensive in its presentation of information so that the roles and responsibilities in its internal processes and interactions with the public are presented thoroughly and clearly. For instance, it should outline the structure of the office, standard operating procedures, governing rules and processes for the complaint process, training and performance guidelines, and reporting and accountability measures. See more detail |
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below.

- **Mission Statement:** Needs more robust mission statements for CPRB and OPS that include statements of core values and objectives; that is, “what we do” and “how are we going to do it.” Accountability and Transparency.
- **Vision Statement:** Needs a vision statement that discusses what kind of relationship they have with the Cleveland Police Department and the community. Currently, the manual does not indicate, anywhere in the document, that CPRB & OPS are going to promote **community, problem-oriented policing**. This concept needs to be incorporated in the manual, as well as accompanied by a discussion of the steps that the CPRB & OPS are going to take to promote community, problem-oriented policing.

The definition of community problem-oriented policing should speak to several critical components:

- (a) customer service;
- (b) empowerment of the community;
- (c) building trust, confidence, and establishing legitimacy of citizen complaint processes; and
- (d) abiding by procedural justice in its operations.

The Manual should include the definition of community problem-oriented policing to ensure everyone is on the same page. (Review the most current definition provided by U.S. Department of Justice’s Community Oriented Policing Services or COPS. <http://www.cops.usdoj.gov>)

A discussion of the “operations” of community problem-oriented policing needs to indicate, at minimum, that the CPRB & OPS:

- (a) understand the expectations of the community members, and how they want to be policed;
 - (b) are committed to listening to and empowering complainants;
 - (c) will serve as a conduit of information, formal complaints, and mediation; and
 - (d) be committed to conducting thorough investigations that result in fair resolutions.
- **Authority:** Indicate where the CPRB and OPS receive its authority to exist and operate. Reference Charter Sections Chapter 25, 115-1 through 115-4. Discuss who the entities can investigate, including sworn and non-sworn employees, as well as other relevant information delineating the authority of both.
 - **Glossary of Terms and Abbreviations:** The glossary should be expanded to include all relevant and/or recurring terms and their definitions. For instance:

- (a) Note typo on page 5, OIC = Officer In Charge
- (b) add, CPRB
- (c) add, “red flag” letter
- (d) add, disciplinary matrix (and reference CPD GPO)
- (e) add, Group I Offense, Group II Offense, Group III Offense
- (f) add, EIS, EWS, IAPro, Blue Team, etc.
- (g) consult CPRB/OPS 2011 Annual Report for additional definitions, page 13.
- (h) Add, the CPD “manual of rules and regulations,” “GPOs,” “divisional notices,” “probable cause,” “preponderance of evidence,” etc.

- **Provide CPRB/OPS Email Information**

- **Structure of the Office:** Outline the structure of the CPRB, OPS, and how they are related. Include:

- (a) An organizational chart – who are the “players”
- (b) Operations Agreement – explain jurisdictions, roles, and relationship to Cleveland Police Department (*see, as an example, Las Vegas Metropolitan Police Department Citizen Review Board “Policy and Procedure Manual”*)
- (c) The CPRB members, who appoints them; delineate the Mayoral and City Council criteria, selection, and appointment processes
- (d) OPS personnel, including the Administrator, general staff, and investigators.
- (e) Explain how CPRB & OPS interact
- (f) Explain the relationship to Internal Affairs (IA)
- (g) Explain who in the office interfaces with the public and in what capacities
- (h) Explain the types of cases OPS accepts? *Any relevant terminology should be included in the Glossary.*
- (i) Include a FAQs

- **Expectations and Responsibilities of CPRB members:** Delineate the expectations and responsibilities of the Chair and CPRB members, and how members are evaluated. This section should also include OPS investigators’ functions and roles at CPRB hearings.

- **Powers and Duties of CPRB**

- **CPRB Public Meetings:** Outline and discuss board-conducted meetings in the community, including how often meetings are held, their purpose, and opportunities for community input.

- **OPA Personnel:** Delineate the job requirements and duties for all personnel.

- **OPS Employee Performance Measures:** Policy drives performance. This should provide guidance for staff and investigators with regard to performance and promotions.

- **Process for Amending Standard Operating Procedures:** Outline.
- **Standardized Complaint Form(s) & Other Relevant Forms:** The most updated forms, including those in Spanish and any other languages, should be included in the manual, accompanied by a stated expectation that forms are to include narrative descriptions of the complaint and the entire investigative process through disposition of the case. This section should also indicate that police officers are required to have complaint forms available in zone cars.
- **Intake & Initiating the Complaint Process – the Complainant:** Outline and detail for the complainant what happens from the moment the person seeks to initiate a complaint. This includes details such as:
 - (a) when you walk into the building, there is security, you will call up, and be given permission to come up;
 - (b) description of the complaint form;
 - (c) define categories of complaints;
 - (d) define what kinds of complaints are currently accepted;
 - (e) description of how complaint forms can be accessed, filled out (in triplicate), and who is given copies of the form (including the complainant);
 - (f) the interview process, which may include audio and video recording;
 - (g) privacy rights;
 - (h) process from filing to disposition. This includes the OPS investigatory process, the PRB public hearing process, the decision-making process with regard to the complaint and discipline, etc.
- **Intake & Initiating the Complaint Process – the Investigator:** Outline and detail for the investigator what happens from the moment a person seeks to initiate a complaint, and what rules and standard operating procedures need to be followed.
- **Investigations – the Complainant:** Outline how investigations can proceed for the complainant, including who can come out to the scene and how the investigation process unfolds once complaints are initiated, the *aspirational time-line* for completion, etc. Be sure to include a “*Special Circumstances*” section to alert the complainant to complex cases or situations that may impact the process.
- **Investigations – the Investigator:** Develop detailed rules, expectations, and stages for carrying out investigations, including gathering evidence and structure of preliminary investigations, preparing for full investigations, the interview process with complainants, and the discovery and presentation of witnesses. This should include the kinds of Standard Questions regarding Investigations. (See, for instance, Seattle’s Manual, pages 24-26.) Include the most updated Flow Chart of the investigative process.
- **Investigations – Management & Police Officers:** Outline the CPD’s and police officers’ responsibilities and duty to cooperate with investigations.

- **Subpoena Power:** What is this, how is it used in the process, and who holds the power to request? (The manual should reference the Charter, where this is delineated.) The relationship and cooperation between OPS and CPRB needs to be outlined here, as well as the specific process for OPS to seek subpoenas with timelines for cases, including expedited needs.
- **Findings and Dispositions:** Provide detailed explanations for how findings are arrived at, the different kinds of dispositions, how those dispositions are arrived at, and guidelines for preparing a written narrative outlining the rationale for the disposition of the complaint.
- **Pre-Disciplinary Hearings:** Define what this is, who attends, and the steps for preparation. Outline what happens during this process, and the roles of all the involved participants. This should include:
 - CPRB & OPS: the OPS Administrator, OPS Investigators, CPRB Members, independent legal representation for the civilian oversight team;
 - Chief of Police or designee
 - Police Officer(s), Union representation, and attorney
 - Director of Public Safety
 - Attorney from the Law Department
 - Court Stenographer and other required staff
- **Mediation Process:** Outline and discuss.
- **Appeals Process:** To the degree that there is no satisfaction, what is next? Provide an outline with details on the Appeals Process.
- **Employee Orientation & Training:** Provide an outline with details that delineate the orientation for all personnel. This section should pay particular attention to training expectations for Investigators, subject matter to be covered, requisite hours required, and opportunities for classes, conferences, etc. This section should answer the question: What completed training looks like. (See below.)
 - **Investigators:** The types of general, basic training should be outlined. How often, for instance, quarterly. The types of necessary specialty training should be outlined to carry out specific types of cases. It should also indicate how this is related to the level of the investigator (e.g., new, mid-level, senior investigators, etc.), as well as indicate how this ties into performance requirements, measures, and promotions. Training should include: legal training that incorporates constitutional standards, 21st century standards, and relevant law on police-community encounters; police tactics; how to investigate police conduct; bias-free policing; policing individuals in crisis; CDP policies, procedures, disciplinary rules, and community outreach.

It should also outline continuing education and professional development opportunities, including civilian oversight conferences (e.g., NACOLE), investigative interviewing training, etc.

- **PRB Members:** PRB members should receive basic comparable training, and have access to the GPOs, rules and regulations, and divisional notices.
- **Non-Retaliation and Intimidation Policy:** Outline and discuss.
- **Oversight of Force Investigation Team:** Define. Outline and discuss the oversight process. Who is included? What roles do members of the CPRB and/or OPS office play?
- **CIRC (Critical Incident Review Committee):** Define. Outline how this committee is formed, who serves on it from the City (i.e., city employees), the CPRB, OPS, and community (i.e., non-city employees), and what their roles and responsibilities are.
- **Public Reports:** Explain in the manual what reports may be produced, including the annual reports and customer surveys. Describe what they are, what should be included in them, and what their purposes are. Establish the expectations for their production, and who is responsible for making sure they are completed.
 - **Semi-Annual or Annual Report:** Assessment of complaints, numbers of complaints per officer per district, as well as aggregate number of complaints per district. Documentation and explanation of trends. This report must go beyond the simple delivery of statistics. These annual reports, which focus on trends, should be followed by recommendations. Provide a report that publicizes those statistics.
 - **Customer Surveys:** develop regular customer surveys based on the findings. These should represent, at minimum, two kinds: (a) complainant satisfaction survey; (b) community feedback survey
- **Complaints & Impact on Officers' Performance Evaluations:** Reference Paragraph 314 in the Consent Decree with regard to performance evaluations and citizen complaints. Outline this in the manual.

A critical point raised during the Work Group meetings was that at the end of the day, and in order to lower the complaint numbers, there has to be a regular, public conveyance of information, established recourses (e.g., additional training), oversight, and transparency. This will help establish accountability.

VI. Proposed Operations Manual Table of Contents

This is not an exhaustive list, but offers a starting point, as discussed by Work Group members and OPS personnel. The proposed “Table of Contents” reflects, to large measure, the general recommendations provided above.

Working Table of Contents:

1. Mission
2. Vision
3. Authority
4. Operating Agreement
5. Glossary of Terms and Abbreviations
6. Structure of the Office
7. Civilian Police Review Board Conducted Hearings
8. Special Considerations (reference Seattle Internal Operations and Training Manual discussed)
9. Standard Operating Procedures
 - a. Initiating a Complaint -- Intake
 - b. Complaint Process
 - c. Complaints of Criminal Misconduct
 - d. Investigations
 - e. Findings and Dispositions
 - f. Pre-disciplinary Hearings
 - g. Mediation
 - h. Appeals Process
 - i. Record Retention Policy
 - j. Public Records Request
10. Oversight of Force Investigation Team
 - a. Call Ups
 - b. Logs
 - c. UDFIT
11. CIRC – Critical Incident Review Committee
12. CPRB and OPS Personnel
 - a. Orientation and Training for CPRB Members
 - b. Orientation and Training for OPS Staff & Investigators
 - c. Performance Measures
 - d. Non-Retaliation and Intimidation Policy
13. Public Reports
 - a. Annual Reports
 - b. Satisfaction Surveys
 - c. Community Feedback Surveys
 - d. Other Reports
14. OTHER?

VII. Proposed Internal Revision Process: Who should be included?

The question was raised and a discussion had about who should be included in the construction, input, and revision process of the CPRB/OPS Internal Operations Manual, particularly between the initial First Draft now being reviewed and the next draft due on April 14, 2016.

The following entities, at minimum, were identified to make sure that those who are being guided and governed by the standard operating procedures delineated in the manual had ample opportunity to provide their knowledge and expertise:

- PRB Chair and members
- OPS Administrator
- OPS Staff
- OPS investigators

It was also suggested by OPS Investigators that in addition to the ongoing iterative input of the specific groups already identified in the Monitor Plan, that the CPRB and OPS personnel might also offer suggestions about ways community input can be received and included.

VIII. Addenda: Links to Manuals Consulted

- Seattle, Office of Professional Accountability, “Internal Operations and Training Manual”
<http://www.seattle.gov/Documents/Departments/OPA/manuals/OPAInternalTrainingandOperationsManualAugust-1-2014.pdf>
- Village of Ossining, NY, “Chapter 8. Civilian Police Complaint Review Board”
<http://ecode360.com/6422318>
- City of Durham, “Civilian Police Review Board Procedure Manual”
<http://durhamnc.gov/DocumentCenter/Home/View/956>
- City of Urbana, Civilian Police Review Board, “Policy and Procedure Manual”
<http://urbanaininois.us/sites/default/files/attachments/cprb-policy-and-procedure-manual-rev-july-2012.pdf>
- Las Vegas Metropolitan Police Department, Citizen Review Board, “Policy and Procedure Manual”
https://www.citizenreviewboard.com/Pages/Documents/CRB_Pol_amended_version2008.pdf