

# Cleveland Community Police Commission

Wednesday, August 23, 2023

Cleveland Public Library - Hough Branch, 6530 Lexington Ave. Cleveland, OH 44103

6:00 p.m. - 8:30 p.m.

Public Livestream: [www.youtube.com/@ClevelandCPC](http://www.youtube.com/@ClevelandCPC)

|                | <b>Agenda</b>  |
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| 6:00 - 6:10 PM | <b>Welcome</b><br><b>Co-Chairs, A. Rodriguez, J. Ridgeway</b><br><b>Councilwoman Stephanie Howse, Ward 7</b> <ul style="list-style-type: none"><li>• Call to Order</li><li>• Welcome &amp; Roll Call</li><li>• Adoption of Agenda</li><li>• Meeting Decorum</li><li>• Approval of Minutes</li><li>• Overview of meeting and introduction to guest speakers</li></ul>   |
| 6:10 – 6:40 PM | <b>Public Comment Period (See Guidelines Below)</b>  |
| 6:40 - 7:40 PM | <b>Guest Presentation, Q&amp;A</b><br>Understanding Police Investigations<br>Christopher Viland, Superintendent of Internal Affairs<br>Marcus Perez, Office of Professional Standards Administrator<br>* No public questions will be accepted during this presentation   |
| 7:40– 8:10 PM  | <b>Co-Chair Report</b><br><b>Executive Director Report (J. Goodrick, Interim Executive Director)</b><br><b>Committee Status Reports</b> <ul style="list-style-type: none"><li>• <b>Internal Training Committee (Temporary)</b><br/>Alana Garret-Ferguson, Kyle Earley: Co-Chairs</li><li>• <b>Budget and Grants Committee (Standing)</b><br/>Dr. John Adams, Chair</li><li>• <b>Rules Committee (Standing)</b><br/>Teri Wang, Chair<br/>Motion to Advance Rule 1.7.2 Meeting Minutes to Commission for Vote<br/>Motion to Advance Rule 2.4 Receipt of Citizen or Officer Incident-Based Complaints for Vote</li><li>• <b>Police Policy Committee (Standing)</b><br/>Piet van Lier (Chair)</li><li>• <b>Police Training Committee (Standing)</b><br/>Dr. John Adams (Chair)</li></ul> |

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|                | <ul style="list-style-type: none"> <li>• <b>Police Accountability Committee (Standing)</b><br/>Teri Wang (Chair)</li> <li>• <b>CPC Outreach Committee (Standing)</b><br/>Sharena Zayed (Chair)</li> </ul> |
| 8:10 - 8:30 PM | <b>Old Business</b><br><b>New Business</b>  |
|                | <b>Closing Public Comments if Time Allows</b>   |
| 8:30 P.M.      | <b>Formal Adjournment</b>   |

**Agenda subject to change**

**Thank you all for the investment of time, intellect and heart toward building community collaboration in police reform. You are appreciated!**

**Next CPC Meeting: Wednesday, September 27, 2023**

**From Charter Section § 115-5 Community Police Commission**

Voter findings. The voters of the City of Cleveland find, based on continuing, serial instances of police misconduct, that there is a need to significantly strengthen civilian oversight of the police force, and to hold the police force more accountable; strengthen the police reform initiated by, but grossly insufficient in, the Consent Decree in *United States of America v. City of Cleveland*, U.S. District Court for the Northern District of Ohio Case No. 1:15-cv-2046; institutionalize cultural change within the Division of Police; and reform the arbitration process by which unelected arbitrators who do not reflect the values, concerns, or diversity of the community - and who themselves often do not live in the community and therefore do not personally bear the burden of any problematic police practices - routinely undermine police accountability by reducing or reversing disciplinary decisions.

**GUIDELINES FOR PUBLIC COMMENT**

The purpose of public comment is to hear as many community voices and points of view as possible. In order to achieve this, please follow the community guidelines:

- Everyone is encouraged to participate.
- Please step to the microphone, state your name and where you live.
- If you have already voiced your ideas, let others have an opportunity to speak. Be brief and to the point.
- One person speaks at a time. Please refrain from side conversations.
- Try your best to understand the pros and cons of every perspective, not just those you prefer. Be as objective and fair-minded as you can be.
- Public comment will occur for approximately 30 minutes during the CPC meeting. After the allotted timeframe, if a pressing issue arises any additional comments can be directed to Ms. Williams, CPC community engagement coordinator.
- If time permits, the co-chairs may reopen the public comment portion if all CPC business items are addressed.
- Commissioners will generally not respond to comments or questions but will consider all comments and questions. Community members are encouraged to follow up with questions and concerns via email at [clecpc@clevelandohio.gov](mailto:clecpc@clevelandohio.gov).

## Proposed Rule for Vote

### **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.

## **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.