

2011

# Third Quarter Case Review

Cleveland Division of Police  
Missing Persons Unit and Sex Crimes/Child Abuse Unit

Office of Professional Standards &  
Civilian Police Review Board  
City of Cleveland  
Department of Public Safety

November 11, 2011

# Background

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At the recommendation of the Mayor's Special Commission on Missing Persons and Sex Crimes Investigations, the Office of Professional Standards/Civilian Police Review Board has undertaken the responsibilities to conduct a quarterly review of Missing Persons and Sex Crimes/Child Abuse Unit investigations.

To develop the framework of review for our strategy we performed preliminary research of various elements of Sex Crimes, Child Abuse and Missing Persons cases.

- The Cleveland Division of Police
- The Cuyahoga County Sexual Assault Response Team (SART)
- Hillcrest Hospital, Marymount Hospital, Fairview Hospital and Metro Health Medical Center Sexual Assault Nurse Examiners (SANE) specifically trained to aid victims of sexual assault
- Victim Advocacy Agencies: The Rape Crises Center(CRCC), The Department of Children and Family Services (DCFS), Mental Health Services /Children Who Witness Violence Program, Bellflower /Domestic Violence Center
- The City of Cleveland Special Commission on Missing Persons and Sex Crime Investigations
- The Ohio Attorney General's Missing Persons Website
- U.S. Department of Justice National Crime Information Center (NCIC)
- OAC Chapter 4501:2-10 Law Enforcement Automated Data System (LEADS)
- Ohio Legislative Service Commission H.B. 571
- Ohio Revised Code 2901.30 Missing Child Report

We also obtained best-practice information from the following resources:

- 2007 Portland, Oregon Sexual Response & Investigation developed by City Auditor report
- 2005 Sexual Assault Model Policy developed by International Association of Chiefs of Police
- The Toronto, Canada Guide for victims of Sex Crimes
- 2010 Model Missing Persons Policy-Ohio Peace Officer Training Commission, Best Practices for Protocol for Law Enforcement

# Review Process

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The Civilian Police Review Board (CPRB) was tasked with reviewing Missing Persons and Sex Crimes/ Child Abuse Unit cases for the third quarter (July 1st-September 30<sup>th</sup>) of 2011.

The Office of Professional Standards/Civilian Police Review Board reviewed the Policy and Procedure manual and/or documents for Missing Persons and Sex Crimes/Child Abuse Unit. The Office of Professional Standards also reviewed the Cleveland Division of Police, General Police Order 6.2.09 Sexual Assault Investigations, General Police Order 6.2.10 Missing Persons (Adult) and General Police Order 6.2.17 Missing Persons (Juvenile).

## **Policy and Procedure Manual Review:**

In a review of the Cleveland Division of Police ***Sex Crime/Child Abuse Unit's*** Policy and Procedures Manual, The Office of Professional Standards/Civilian Police Review Board found:

- 1.) The manual was maintained in an orderly manner;
- 2.) The General Police Orders and Divisional Notices were current; and
- 3.) The manual lacked victim information guide and answers for victims frequently asked questions.

In a review of the Cleveland Division of Police ***Missing Persons*** documents, the Office of Professional Standards/Civilian Police Review Board found:

- 1.) Although there were current General Police Orders, Divisional Notices, and a PowerPoint presentation there was no formal policy and procedures manual.

## **General Police Order Review:**

The ***Model Policy on Investigating Sexual Assaults*** developed by the International Association of Chiefs of Police (IACP) National Law Enforcement Policy Center was designed in 2005 to assist law enforcement executives in tailoring the model policy to the requirements and circumstances of their own communities and agencies.

In a review of the Cleveland Division of Police's General Police Order 6.2.09 Sexual Assault Investigations policy, the Office of Professional Standards found:

- 1) The. General Police Order follows the 2005 Model Policy developed by the International Association of Chiefs of Police (IACP).
- 2) The General Police Order was tailored to the requirements and circumstances of the City of Cleveland.
- 3) The Cleveland Division of Police is committed to continuing to update its policy. The policy was updated on January 20, 2011 and August 22, 2011.

The ***Ohio Missing Persons Model Policy*** sample is intended as a guide for law enforcement agencies that may not currently have a policy regarding missing persons other than juveniles, or have not updated their policy to reflect the requirements of Jonathan's Law (H.B. 571).

In a review of the Cleveland Division of Police's General Police Orders 6.2.10 Missing Persons (Adult) and 6.2.17 Missing Persons (Juvenile) policies, the Office of Professional Standards found:

- 1) The General Police Orders follow the Best Practice Protocol for Law Enforcement Model Policy.
- 2) The General Police Orders were tailored to the requirements and circumstances of the City of Cleveland.
- 3) The Cleveland Division of Police is committed to continuing to update its policies. The policies were updated on January 4, 2011.

# Sex Crimes/Child Abuse Unit

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## Submission of Quarterly Report Quality Assurance

### Step 1

<b>Completed case report submitted to Office of Professional Standards</b>			
	Yes	No	Notes
Report delivered on or before deadline	X		Received Oct. 5, 2011
Report dates July 1, 2011-September 30, 2011	X		
Requested information submitted in report	X		
<b>Notes:</b>			

### Step 2

<b>Randomly selected completed case files submitted to Office of Professional Standards</b>			
	Yes	No	Notes
Case files delivered on or before deadline	X		Received Oct. 17, 2011
Case files submitted in compliance with protocol	X		
Number of files requested submitted	X		
<b>Notes:</b>			

### Step 3

<b>Civilian Police Review Board findings/recommendations to Safety Director</b>			
	Yes	No	Notes
Report delivered on or before deadline	X		Delivered Nov.15, 2011
Findings/Recommendations	X		
Review of Best Practices/Use of Partnerships	X		<ol style="list-style-type: none"> <li>1. <b>2007</b> Portland, Oregon Sexual Response &amp; Investigation developed by City Auditor report.</li> <li>2. <b>2005</b> Model Policy developed by International Association of Chiefs of Police (IACP).</li> <li>3. Toronto Guide for victims of Sex Crimes</li> </ol>
<b>Notes:</b>			

# Missing Persons

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## Submission of Quarterly Report Quality Assurance

### Step 1

<b>Completed case report submitted to the Office of Professional Standards</b>			
	Yes	No	Notes
<b>Report delivered on or before deadline</b>		X	Received Oct. 12, 2011
<b>Report dates July 1, 2011-September 30, 2011</b>	X		
<b>Requested information submitted in report</b>	X		
<b>Notes:</b> Missing Persons Liaison was not informed of the Civilian Police Review Board protocol deadline until October 12, 2011			

### Step 2

<b>Randomly selected completed case files submitted to the Office of Professional Standards</b>			
	Yes	No	Notes
<b>Case files delivered on or before deadline</b>	X	X	D2 , D5 received 10/14/11 D4, D1 received 10/18/11 D3 received 10/19/2011
<b>Case files submitted in compliance with protocol</b>		X	Cases not in format outlined in CPRB protocol
<b>Number of files requested submitted</b>	X		
<b>Notes:</b> District Commanders were not informed of the Civilian Police Review Board Protocol prior to deadlines			

### Step 3

<b>Civilian Police Review Board findings/recommendations to Safety Director</b>			
	Yes	No	Notes
<b>Report delivered on or before deadline</b>	X		Delivered Nov. 15, 2011
<b>Findings/Recommendations</b>	X		
<b>Review of Best Practices/Use of Partnerships</b>	X		<b>2010</b> Model Policy-Ohio Peace Officer Training Commission, Best Practices for Protocol for Law Enforcement
<b>Notes:</b>			

# Methodology of Review

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## **Sex Crimes/Child Abuse Unit Case Files**

In a review of Sex Crimes/Child Abuse Unit investigative case files from the Cleveland Division of Police, the Civilian Police Review Board found:

**Communication Control Section (CCS) Response:** The CCS Dispatchers followed standard emergency response; they were professional, refrained from judgment of the victim and gave critical information for evidence preservation.

**First Responding Officer(s):** As part of the emergency response, the officers accepted all reports of sexual assaults from the victim and/or third party. Officers adequately preserved all items of evidentiary value containing trace evidence. Officers appropriately established trust, understanding, patience and respect for the victims' dignity. When appropriate, the 24 hour child abuse hotline (216-696-KIDS) was contacted to report allegations of child abuse and neglect. Minor inconsistencies were found in the areas of ensuring victims' medical needs, securing the crime scene, providing a same gender officer, and taking special care when interviewing elderly persons. The Cleveland Division of Police communication with victims, their families, and outside agencies should be enhanced.

**Sector Supervisor:** More often than not, if applicable, the chief dispatcher notified the Sex Crime Unit.

**Evidence Collection:** The detectives did a great deal of work separately preserving victim and suspect's clothing for evidence.

**Photographs:** There were inadequacies in the proper documentation of photographs and the victim being notified that bruises may become fully evident days later.

**Rape Evidence Kits:** Rape Evidence Kit standards were met.

**Sex Crime Unit Investigator(s):** Case files revealed a lack of standardization in regards to investigative techniques by Sex Crime Unit investigators. However, it was noted by the CPRB that a portion of the files reviewed were outstanding.

**Sex Crime Supervisor:** Sex Crime Supervisors did a sufficient job maintaining departmental procedures.

## **Missing Persons Case Files:**

In a review of missing persons investigative case files from the Cleveland Division of Police, the Civilian Police Review Board found:

**Report:** Reports were filed with descriptive information including confirmation of the missing person but, lacked a recent photo(s) of the missing person.

**Verification:** The detectives did verify with the Warrant Unit, hospital, Medical Examiner's office and other recommended agencies. Investigators adequately researched the history/prior accounts of missing person(s).

**Missing Persons Categories/Titles:** The cases were properly categorized and titled appropriately by the initial officers.

**Forms:** There was a large amount of inadequacies in the proper utilization of forms. Case files were often incomplete and lacked standardization.

**Alert:** When appropriate the necessary alerts were utilized.

**Status:** Missing Persons mental, physical, emotional, and special needs were appropriately documented.

**Types of Investigations:** It is unknown whether the criteria was met (i.e. endangered, involuntary, catastrophe, young adult, over 18 , less than 21 or other).

**Mandatory Data Entry:** The detectives effectively utilized mandatory data entry LEADS/NCIC.

**Message Center:** The message center was contacted appropriately when a person(s) was reported missing. However, upon the return of the person(s), proper notification to the message center was inconsistent. In addition, the recommended checklist was not consistently completed.

**Endangered Elderly:** It is unknown whether the assignments were properly coded and if the appropriate persons had been notified.

**Missing Juvenile:** The detectives put a great deal of work into verifying custody and contacting the local schools. However, the detectives should increase their communication with the detention center and appropriate alerts for missing juveniles.

**Endangered Juvenile:** Standard notification and priority codes were met.

**Follow- Up:** The missing juveniles were returned within an average of 24-48 hours. Cleveland Division of Police communication with families of the missing persons and outside agencies should be enhanced.

**Disposition:** The cases were disposed in a timely manner. More often than not the missing person returned on their own.

**Long Term Missing Persons:** These cases are considered open and in accordance with procedures. The CPRB only reviews closed cases.

# Proposed Issues to Address

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## Sex Crimes/Child Abuse Unit

**Same Gender Officer:** Officers shall enhance informing victims that a same gender officer will be provided if the victim desires.

**Website:** A review of the Cleveland Division of Police website revealed that there was no information for the Special Victims Section which includes Sex Crimes and Domestic Violence. A website tab should be created encompassing,

- emergency numbers
- location of sex crime unit
- organizational chart
- frequently asked questions
- glossary of terms
- links to outside agencies (i.e. shelters, rape crisis center, hospitals, Cuyahoga County Sheriff's Sex Offender website, etc.)
- Survivors of Sexual Assault guide

**Victim Guide:** "The information guide focuses on the details related to sexual assault and is designed to provide you with background about the criminal justice system and the help that is available for victims of sexual assault." --Toronto Police Department

## Missing Persons

**Policy and Procedures Manual:** The Office of Professional Standards created a Standard Operating Procedure Manual to be presented to the Cleveland Chief of Police.

**Uniformity:** Although a central location was created with a Missing Persons Liaison, the Division still lacks uniformity. In speaking with the Missing Persons Liaison, she expressed her frustration with the district detectives who all worked differently. She also stated that she only had access to what is forwarded to the record file section. There needs to be a standardization of missing person(s) investigations, forms, a checklist and best practices.

Designing an organizational flow chart will help ensure the missing person(s) detectives and missing persons liaison needs and efforts are clearly defined. It will also display the detective(s) effectiveness or current methodologies and techniques in locating missing persons.

Allowing the Cleveland Division of Police and the community to have effective lines of communication would also allow CPD Administrators the opportunity to identify areas of concern, room for growth and future direction.

Periodically Cleveland Police Command Staff, along with the Missing Persons Liaison, should collectively review proper protocol and policies.

**Runaway Youth:** “During the already difficult development stage of adolescence, many youth face dilemmas and/or crises alone and without someone to talk to. For many youth, running away is a solution to their problems, believing that no other options exist for them.”

The Cleveland Division of Police Missing Persons Website third quarter data reveals that 73% of all missing persons are juveniles.

The utilization of the City of Cleveland’s Youth Diversion Program would greatly enhance the proper family assessment, community awareness and follow-up upon the return of the missing person.

- 1.) CPD officers should refer habitual runaways to the Cleveland Youth Diversion Program.
- 2.) CPD officers should maintain adequate communication with the Supervisor of the Cleveland Youth Diversion Program.
- 3.) The youth social workers should conduct a formal intake and assessment of the family of the habitual runaway.
- 4.) Should the assessment reveal a need for outside agency referral the Cleveland Youth Diversion Program Social Workers shall make the appropriate referrals.

Submitted by:

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