



Office of Professional  
Standards  
Civilian Police Review  
Board



2017 Annual Report



# **CITY OF CLEVELAND**

## **Mayor Frank G. Jackson**

**Michael M. McGrath, Director**  
Department of Public Safety

**Roger Smith, Administrator**  
Office of Professional Standards

**Roslyn Quarto, Chairwoman**  
Civilian Police Review Board  
Cleveland Department of Public Safety

**Office of Professional Standards**  
**Civilian Police Review Board**

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# Director of Public Safety

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The Cleveland Department of Public Safety, the Office of Professional Standards and the Civilian Police Review Board are committed to providing superior service and strengthening their partnership with the community through effective, transparent and timely investigation of citizen complaints made against employees of the Division of Police. With the technical assistance and oversight of the Department of Justice and the Federal Monitoring Team, we have made great strides in ensuring our policies and procedures convey this transparency.

The timely, thorough and objective investigation of complaints will increase understanding between the public and Division of Police employees and will reduce the incidence of misconduct. In turn, the bonds of trust become strengthened and our community is safer as a whole. Accountability is the cornerstone of this relationship.

The Civilian Police Review Board, working in conjunction with the Office of Professional Standards, has a unique role in recommending, and in some cases determining, the resolution of complaints. The Board, too, oversees the conduct of sworn and civilian employees through the evaluation and review of misconduct complaints with diligence, impartiality and timeliness. Together, the Office of Professional Standards and the Civilian Review Board seek continuous improvement of both the process of investigation and the resolution of complaints, thus ensuring increased accountability, substantive reform and advancement of law enforcement and community common goals.

On behalf of Mayor Frank G. Jackson and all the women and men of the Cleveland Department of Public Safety, I wish to express my appreciation to the Department of Justice and the Federal Monitoring Team in guiding us toward our goals and helping us achieve a relationship with the community that is resilient and trustworthy. I also sincerely thank the Office of Professional Standards and the Civilian Police Review Board for their commitment to excellence. The 2017 Annual Report provides insight into the operations of the Civilian Police Review Board and the decisions they made on behalf of the citizens served by the Cleveland Division of Police.

Sincerely,

A handwritten signature in blue ink that reads "Michael M. McGrath". The signature is fluid and cursive.

Michael M. McGrath, Director  
Department of Public Safety

# Message from the OPS Administrator

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On June 4, 2018, I began work as the Administrator of the Office of Professional Standards. I accepted this honor with humble gratitude for the confidence placed in me by the City of Cleveland and a sober recognition of the task that lies ahead. Delays in the investigation process, infrequent communication with complainants and inconsistent efforts to obtain key evidence have created justifiable skepticism of the agency's ability to fulfill its mission. For OPS to effectively meet its responsibilities to the Cleveland community, it must grow in its ability to investigate cases efficiently, interview witnesses, gather evidence and communicate findings with clarity.

Through the collective efforts of OPS staff over the past few months, I can proudly report that the work of transforming OPS into a more effective and responsive investigative agency is well under way. Regular, internal staff trainings have been introduced. A new investigative closing report format has enabled the agency to present evidence with greater organization and persuasiveness. Outreach efforts to establish contact with a greater number of Cleveland residents and community groups have begun.

The 2017 Annual Report reflects a year of transition at OPS putting the agency on a path toward greater effectiveness. Two full-time investigators and two temporary investigators were added to OPS staff. OPS staff and CPRB board members received new training in law, investigative techniques and IA Pro database usage. In April 2017, the introduction of an OPS Operations Manual helped to ensure increased consistency in investigative procedures.

But the process of building the Office of Professional Standards into a strong and sound investigative agency has only just begun. As we move forward and continue to make improvements, we invite community input in helping us conduct the vital work of civilian oversight to increase the trust between the Cleveland Division of Police and the citizens it serves.

Sincerely,

*Roger Smith*

Roger Smith, Administrator  
Office of Professional Standards

# Message from the CPRB Chair

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The Civilian Police Review Board is comprised of nine members who are representative of the diverse communities within the City of Cleveland and oversee the conduct of members, sworn and civilian, of the Cleveland Division of Police. It does this by reviewing and evaluating public misconduct complaints made against the police department. If warranted, the board will make recommendations for disciplinary action to the Chief of Police. The board is also committed to enhancing relationships between the community and police department through enhanced transparency, accountability and the achievement of common goals beneficial to both.

Thanks to the Department of Justice and the Federal Monitoring Team, the board continues to streamline its oversight process in accordance with certain expectations as delineated in the Settlement Agreement with the City of Cleveland that will result in a more effective and efficient body. The National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics put it quite succinctly: “Members of the CPRB 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 CPRB 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 CPRB, and to the ethical and professional standards. The spirit of these ethical and professional standards should guide CPRB members and staff in adapting to individual circumstances, and in promoting public trust, integrity and transparency.”

The 2017 Annual Report, hopefully, will give the community additional clarity into the Civilian Police Review Board operations and decision making processes.

Sincerely,

*Roslyn Quarto*

Roslyn Quarto, Chairperson  
Civilian Police Review Board

# OPS and CPRB Overview

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## PURPOSE

To ensure constitutional, lawful, accountable, effective, and respectful policing and to promote public safety, there must be trust between police and the community they serve. For that reason, the City established the Office of Professional Standards (“OPS”) via Charter Amendment, Sections 115-1 through 115-4, effective August 8, 2008. OPS is an independent agency within the City of Cleveland Department of Public Safety. It has the responsibility of receiving and investigating non-criminal complaints filed by members of the public against sworn and non-sworn Cleveland Division of Police employees. OPS is also empowered to make findings and recommend action to the Civilian Police Review Board (“CPRB”) regarding those complaints.

The CPRB reviews misconduct complaints investigated by OPS and makes recommendations for resolution to the Chief of Police. Prior to recommending discipline or determining that a complaint warrants no action, the CPRB may hold a public hearing. Upon making its decision, the CPRB submits its findings and recommendations to the Chief of Police and notifies the complainant of the disposition.

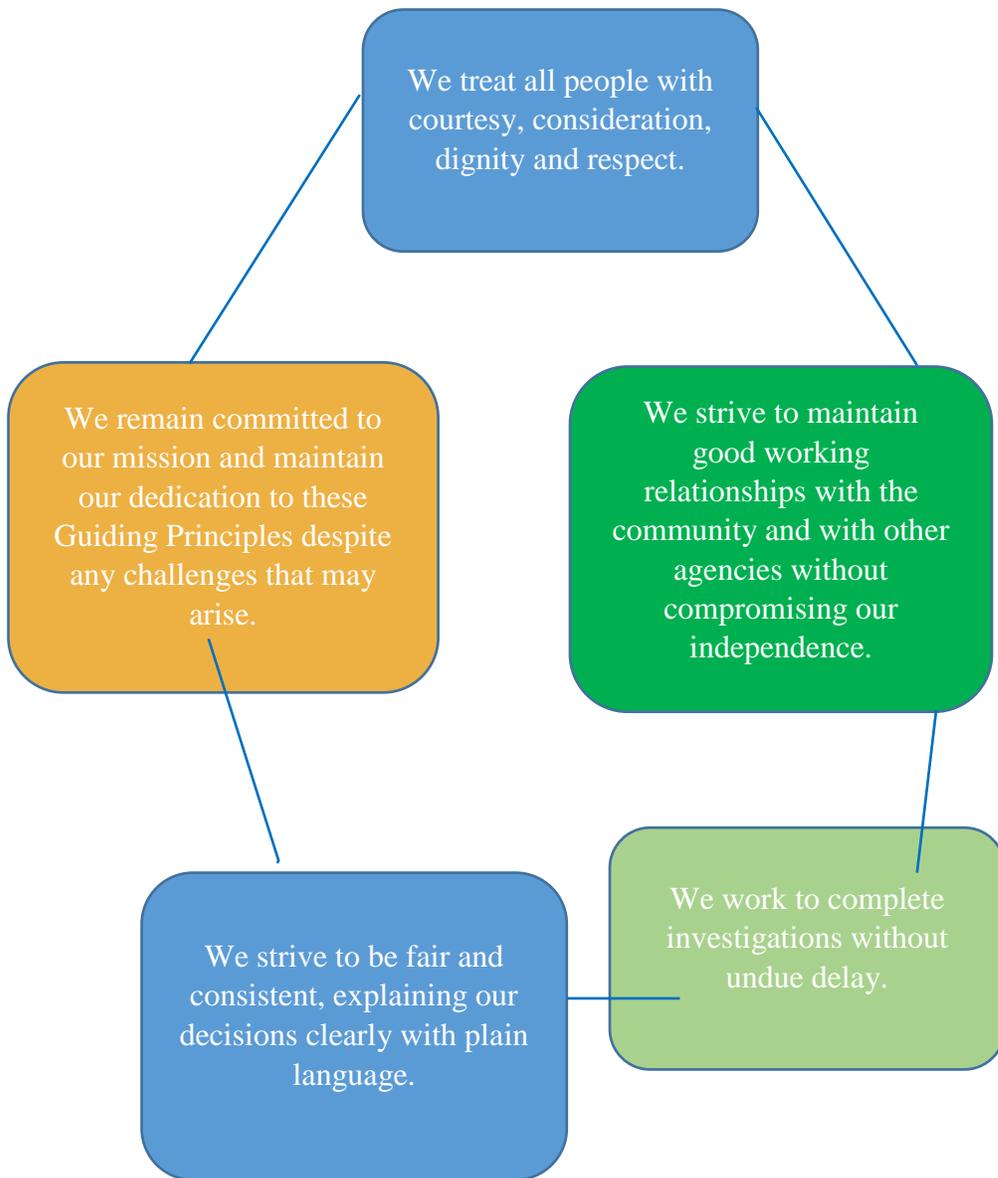
## MISSION

The mission of OPS and CPRB is to increase accountability and improve public confidence in the police by receiving and fairly, thoroughly, objectively, and timely investigating and resolving misconduct complaints against Cleveland Division of Police employees. As part of its mission, OPS is also empowered to make policy recommendations that will improve the citizen complaint process, increase understanding between the public and CDP employees, reduce the incidence of misconduct and reduce the risk of the use of force by CDP officers. OPS and CPRB are committed to providing the community with an accessible and safe environment in which to file complaints and have their complaints heard.

# OUR GUIDING PRINCIPLES

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The responsibility entrusted by the people of the City of Cleveland to OPS and CPRB is a sacred public trust.

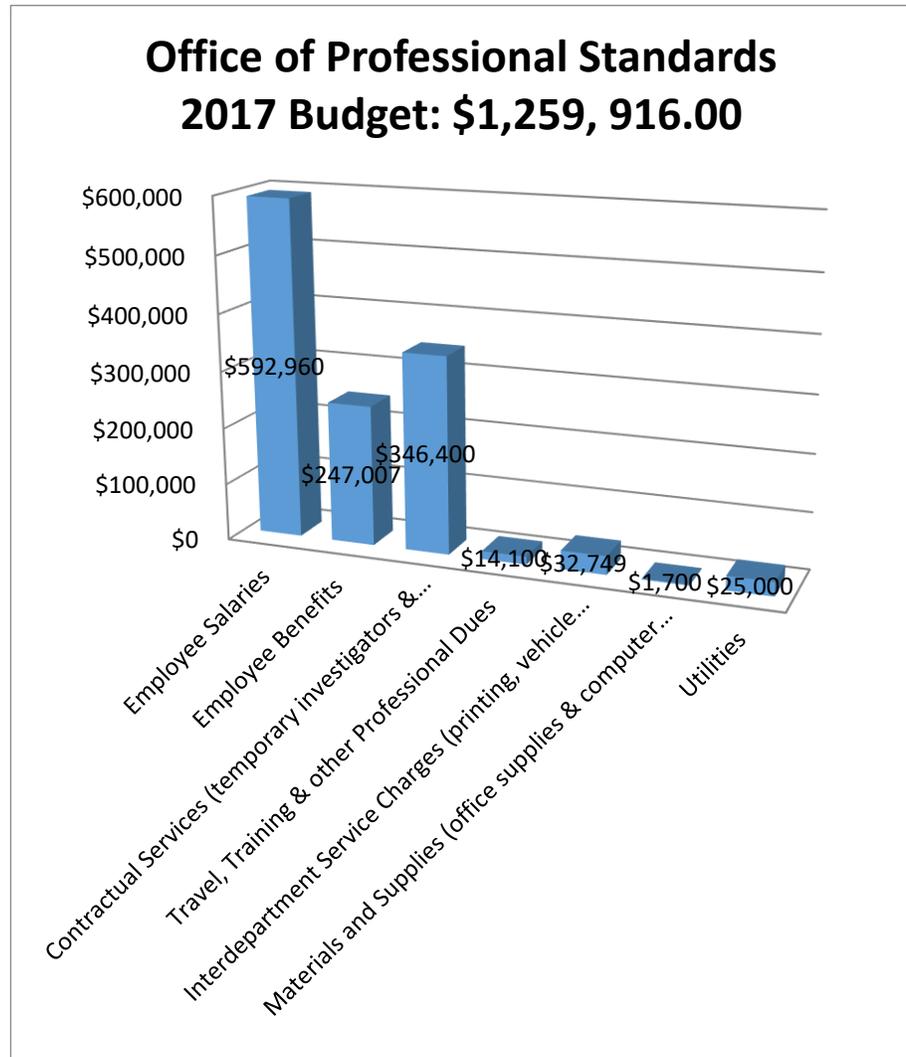


# Office of Professional Standards

**MISSION:** The mission of the Office of Professional Standards is to investigate complaints against Cleveland Division of Police personnel in a complete, fair and impartial manner, and present completed investigations to the Civilian Police Review Board for a hearing and disposition

## OPS Budget and Staff

Prior to 2015, OPS and CPRB did not have budgets independent from the Department of Public Safety. In 2016, however, separate budgets for each entity were established. OPS's 2017 budget was \$1,259,916.00. Funds for OPS were allocated as follows:



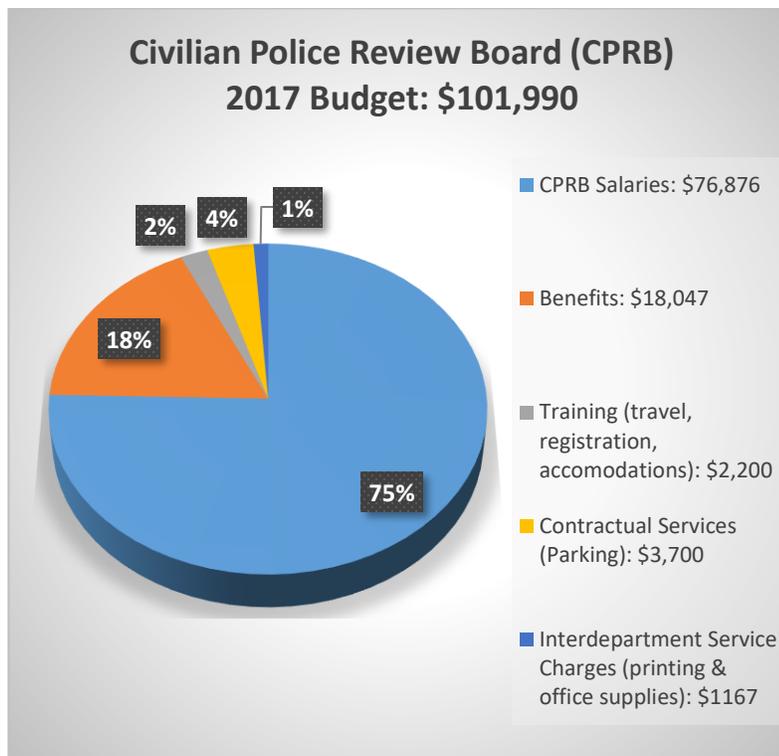
At the beginning of 2017, OPS staff included an Administrator, a General Manager, a Data Analyst/Intake Coordinator, 6 full-time investigators, and a personal secretary to the Administrator. Over the course of the year, a total of 6 temporary investigators were added to assist in the reduction of backlogged investigations. Finally, the position of Personal Secretary to the Administrator was replaced with a new position, the Chief Clerk, with added responsibilities that more expansively assist with administrative matters. Further, the OPS received an enhanced budget for 2018 to fund two additional full-time positions: a Supervisory Investigator and a Community Relations Coordinator. Two additional permanent investigator positions were also funded.

# CPRB Budget and Membership

## Civilian Police Review Board

Reviews completed OPS investigations and makes recommended findings regarding conduct and discipline and provides an opportunity for citizens who believe they were treated unfairly to voice their concerns.

In 2017, the CPRB's budget was \$101, 990, an increase from the 2016 budget of \$91,900. Funds for CPRB were allocated as follows:



Prior to 2016, the CPRB had six board member positions, with one member elected by the CPRB as the Chair. All six positions were appointed by the Mayor. In November 2016, via an Amendment to the City of Cleveland's Charter, the CPRB underwent sweeping changes to its membership, changing the composition of the CPRB to nine. The Mayor appoints five members and the City Council now appoints the remaining four members. In an effort to be representative of all of Cleveland's diverse communities, each of the police districts is represented by at least one member who resides in that district. Additionally, at least one member of the Board is between

the ages of 18 and 30 at the time of appointment. As required by the Charter of Cleveland, no member of the Board is employed currently as a law enforcement officer and no member is a current or former employee of the Cleveland Division of Police. Moreover, the CPRB now has a full-time employee, a Private Secretary, to handle the administrative duties of the Board.

## Civilian Police Review Board Members:

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**CPRB Chairwoman Roslyn A. Quarto**, was born and raised in New York and moved to Cleveland in the fall of 2012 and became the Executive Director of Empowering and Strengthening Ohio's People (ESOP) in April of 2013. Ms. Quarto holds a BA from Pennsylvania State University and a JD from St. John's University. In addition to participating on the CPRB, Ms. Quarto also serves on the Ohio Attorney General's Elder Justice Commission, and on the Board of Directors for the Hebrew Free Loan Association and the Ohio CDC Organization. Ms. Quarto resides in the Second District. Appointed by Mayor Frank Jackson, her term commenced on February 1, 2016 and expires on February 1, 2020.

**CPRB Vice-Chair Stephanie B. Scalise** has a private law practice specializing in criminal defense and appeals, juvenile law, and family law. Prior to that she was an assistant Cuyahoga County prosecutor and served as the legal counsel to the Cuyahoga County Division of Children and Family Services. She also previously served as a city prosecutor for the City of Cleveland Department of Law. Ms. Scalise was appointed by Cleveland City Council. Ms. Scalise resides in the Fifth District. Her term commenced on February 7, 2017 and expires on February 7, 2021.

**Edwin Santos** is a native of San Juan, Puerto Rico. He began his government career in 1975 when he joined the United States Army and after receiving an honorable discharge, he continued his 33-year federal employment and retired in 2009 as an Enforcement Supervisor for the U.S. Equal Employment Opportunity Commission. Mr. Santos holds a B.A. in business administration and management from the Inter-American University of Puerto Rico and has lived in the City of Cleveland since 1980. Vice Chairman Santos resides in the First Police District. His term commenced on August 8, 2008, he was reappointed by Mayor Jackson to the CPRB in 2012 and 2016. His term expires on August 8, 2020.

**Michael P. Hess, Jr.**, was appointed to fill the board seat set aside for an 18 to 30-year old. A recent graduate of Case Western Reserve School of Law, Mr. Hess serves as Assistant In-House Counsel for Surety Title Agency. Mr. Hess has worked on political campaigns, and has been a legal intern and a legal assistant at several firms including the Cuyahoga County Department of Law. Mr. Hess was appointed by the Council to fill an unfilled position that opened on August 8, 2016. He resides in the Second Police District. His term expires on August 8, 2020.

**Michael P. Graham** is owner and partner of Cleveland-based Strategy Design Partners, LLC, which is a strategy and communications consulting firm that works with non-profits, public agencies, and businesses. Mr. Graham is also a former assistant Cuyahoga County prosecutor. Mr. Graham was appointed by Cleveland City Council on February 7, 2017. Mr. Graham resides in the Second Police District. His term expires on February 7, 2021.

**Michael L. Walker** is the Executive Director of the Partnership for a Safer Cleveland and project director of US Attorney's STANCE Initiative. Mr. Walker lectures and trains both professionals and students throughout the country on issues related to the prevention and reduction of youth violence and gangs. Mr. Walker has co-authored *Drug Use among Juvenile Arrestees: A Comparison of Self-Report, Urinalysis and Hair Assay* and chapters in the *Handbook for Screening Adolescents at Psycho-Social Risk and Gangs in America*. He holds degrees from the Ohio State University and Case Western Reserve University in Communications and Law. Mr. Walker resides in the Third Police District. Appointed by Mayor Jackson, his term commenced on November 8, 2010 and expires on August 8, 2018.

**Ernest G. Turner** retired from the Cleveland Municipal School District in 2009 with more than 30 years of experience teaching elementary and secondary education. Mr. Turner also served as a basketball, football and track coach during that time. He received his Bachelor's Degree from Central State University in Comprehensive Social Studies and his Master's Degree from Cleveland State University, with a concentration in Diagnosis & Remediation of Reading Disorders. Mr. Turner has also served as a community advocate in his roles as a Precinct Committeeman for Ward 6, a member of the Buckeye Minsters in Mission Alliance, and the Acting President of the Hulda Avenue Street Club. Mr. Turner was appointed by the Cleveland City Council on August 8, 2017 and resides in the Fourth Police District. His term expires on August 8, 2021.

**Mary Clark** has spent more than 30 years working in banking and finance. She graduated from high school in Lexington, Mississippi and has since worked in Cleveland at Huntington Bank, the UPS Store, and KeyCorp. Ms. Clark resides in the Fourth Police District. A mayoral appointee who began her term on June 21, 2011, Ms. Clark was reappointed following the CPRB's December 2017 meeting.

# Settlement Agreement/Consent Decree

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Following a two-year investigation that concluded in 2014, the U.S. Department of Justice (“DOJ”) notified the City in a December 4, 2014 letter (“findings letter”) that there was “reasonable cause to believe that there was a pattern and practice of excessive force in Cleveland that violated the U.S. Constitution and federal law.”<sup>1</sup> As it pertained to OPS, the DOJ determined that “civilian complaints of officer misconduct were not being adequately investigated.”<sup>2</sup> The DOJ findings letter stated that deficiencies in the OPS complaint process included “impossibly high caseloads for investigators, the inappropriate and premature rejection of civilians’ complaints, substandard investigations, significant delays in completing investigations, and the failure to document and track outcomes.”<sup>3</sup>

In response to the DOJ’s findings, the City of Cleveland and DOJ entered into a court-enforceable Settlement Agreement that requires the City to make a number of fundamental changes to its police and civilian oversight policies, practices, procedures, training, use of data, and more. On June 12, 2015, the Settlement Agreement, also known as the “Consent Decree,” was approved and signed by the Chief Judge of the U.S. Northern District, Judge Solomon Oliver, Jr.<sup>4</sup> On October 1, 2015, the Cleveland Monitoring Team was appointed to oversee the City’s implementation of the Settlement Agreement.

Over the course of the 2017 calendar year, the OPS and the CPRB, with the assistance of the Cleveland Monitoring Team and DOJ, have continued working to correct the deficiencies noted in the findings letter and comply with the terms of the Settlement Agreement. Although progress has been slow, there have been some improvements, such as 1) the creation of new positions and additional staffing for the OPS/CPRB program, 2) extensive training for OPS staff, and 3) additional equipment to assist staff in conducting investigations. Additional challenges and improvements in 2017 are summarized on pages 24 and 25 of this report.

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<sup>1</sup> Department of Justice Findings Letter, “Investigation of the Cleveland Division of Police”, pg. 2, <https://www.justice.gov/file/180576/download>

<sup>2</sup> Findings Letter, pg. 38

<sup>3</sup> Findings Letter, Pg. 39

<sup>4</sup>

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/PublicSafety/Police/PoliceSettlementAgreement>.

For a fuller description of the City’s progress (and challenges) in implementing the terms of the Settlement Agreement as it pertains to OPS and CPRB, please view the Monitor’s First, Second, and Third Semiannual reports, which can be found at: <http://www.clevelandpolicemonitor.net/resources-reports>.

# OPS Jurisdiction and Complaint Process

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OPS has jurisdiction over the following types of misconduct complaints made against personnel of the Cleveland Division of Police:

- Harassment complaints, to include those alleging bias, discrimination, and profiling;
- Excessive Force complaints;
- Unprofessional Behavior/Conduct complaints;
- Improper Procedure complaints, including improper arrest, improper citations, and improper search;
- Improper Stop;
- Improper Tow;
- Service complaints, including insufficient CDP employee service, and no CDP service;
- Property complaints, including missing property and damage to property; and,
- Misconduct related to the receipt of a Uniform Traffic Ticket or Parking Infraction Notice if the Parking Infraction Notice was issued by CDP personnel.

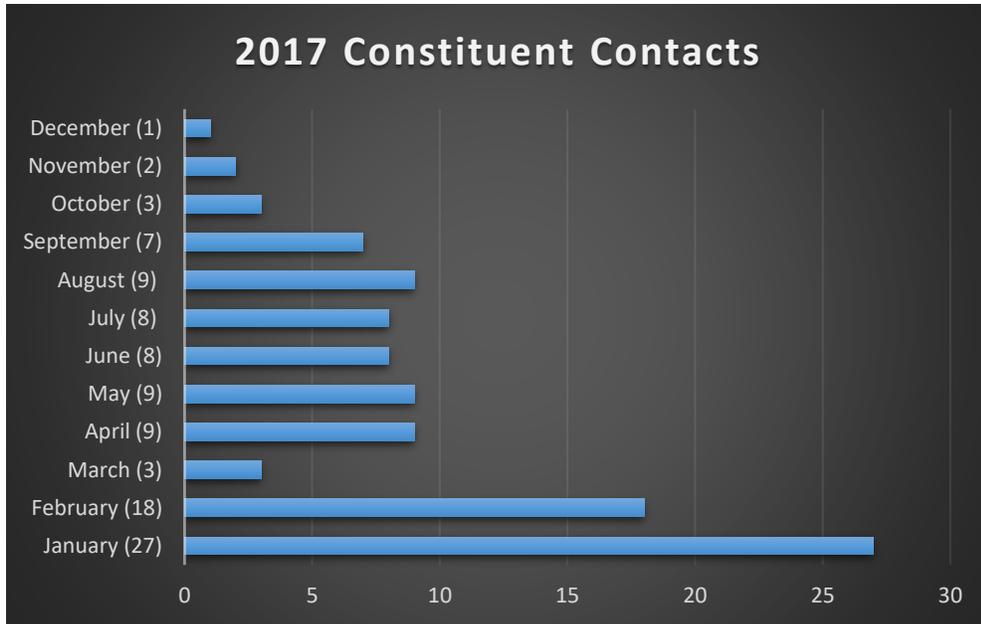
Cases that fall outside of these parameters, and do not allege criminal conduct, are administratively dismissed and referred to the proper agency with the authority to address that matter, whenever possible. Citizen complaints alleging criminal conduct (i.e. theft, assault, falsification) are referred by the OPS Administrator to the CDP Internal Affairs Unit. The Internal Affairs Unit has the primary responsibility for investigation of alleged criminal acts by CDP personnel.

How complaints are received and investigations are conducted, the process in which the CPRB presides over cases and the results of the CPRB's findings are further outlined in the OPS and CPRB manuals located on the City of Cleveland's OPS website.

# OPS Contacts and Complaints Filed

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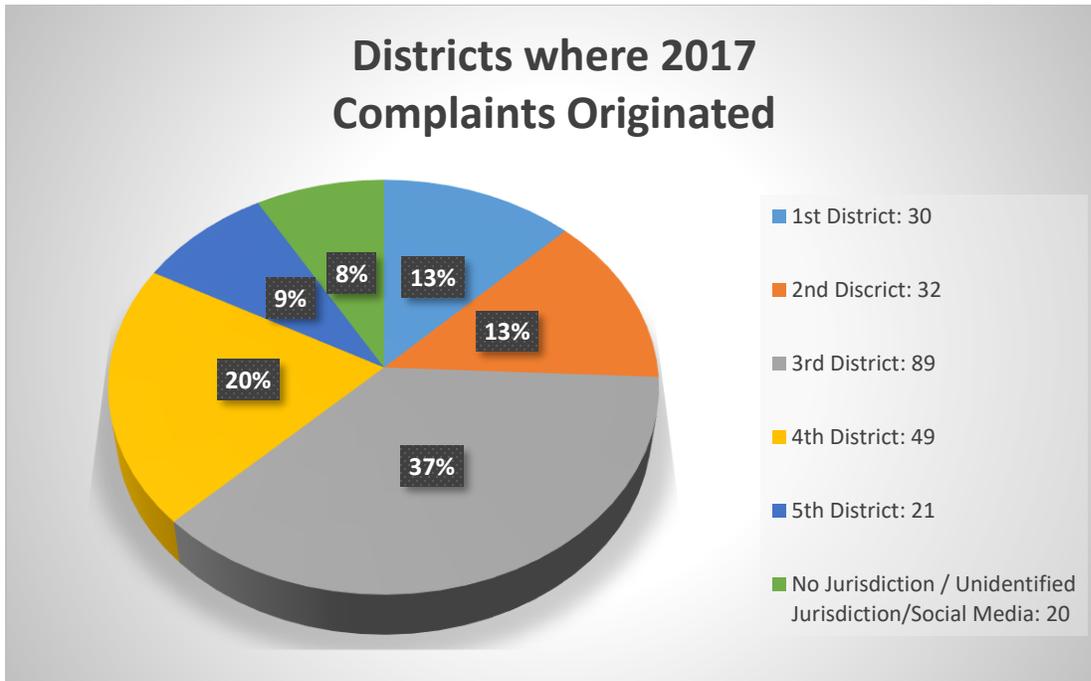
In mid-2016, OPS created and implemented a policy requiring the agency to document and track all constituent contacts -regardless of whether a formal complaint investigation results. The following chart details the 101 contacts OPS received from January to December 2017 that did not result in formal complaints:



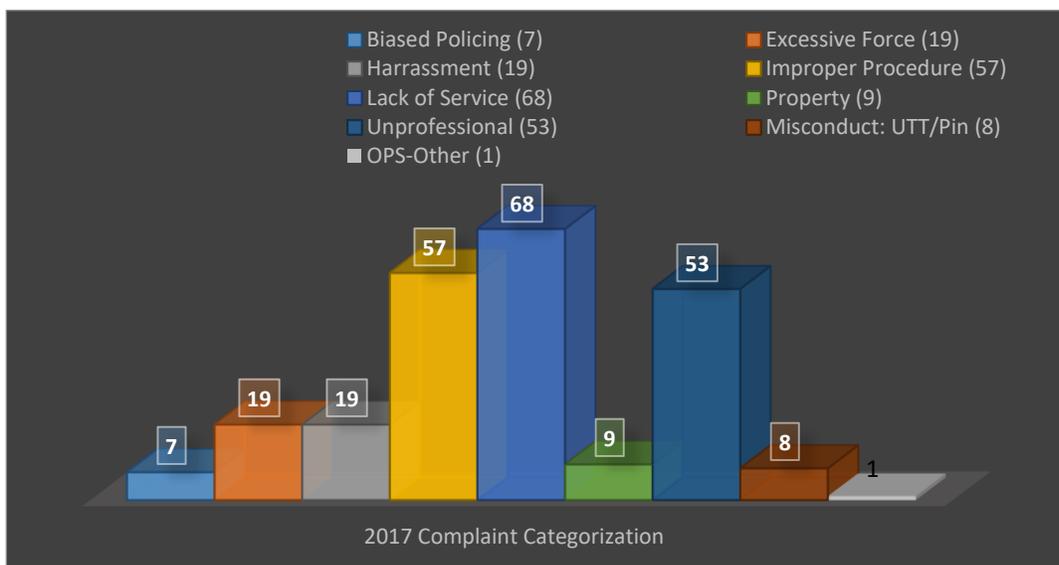
When the facts as alleged, taken with all reasonable inferences, would constitute misconduct if established as true, a constituent contact may be properly classified as a “Complaint.”

Anyone may file a complaint with OPS, including subjects of police incidents, recipients of police services, a witness to a police incident, a bystander of police service, a third party, a legal representative, an anonymous person, the OPS Administrator, or a member of the CPRB.

OPS received 241 complaints in 2017, a reduction of 22 complaints from the 263 received in 2016, marking the 4<sup>th</sup> consecutive year that the number of complaints has declined. A breakdown of those complaints by CDP district is depicted in the chart below. The 3<sup>rd</sup> District, which includes all of Downtown Cleveland, had the highest number of complaints (89) in 2017.



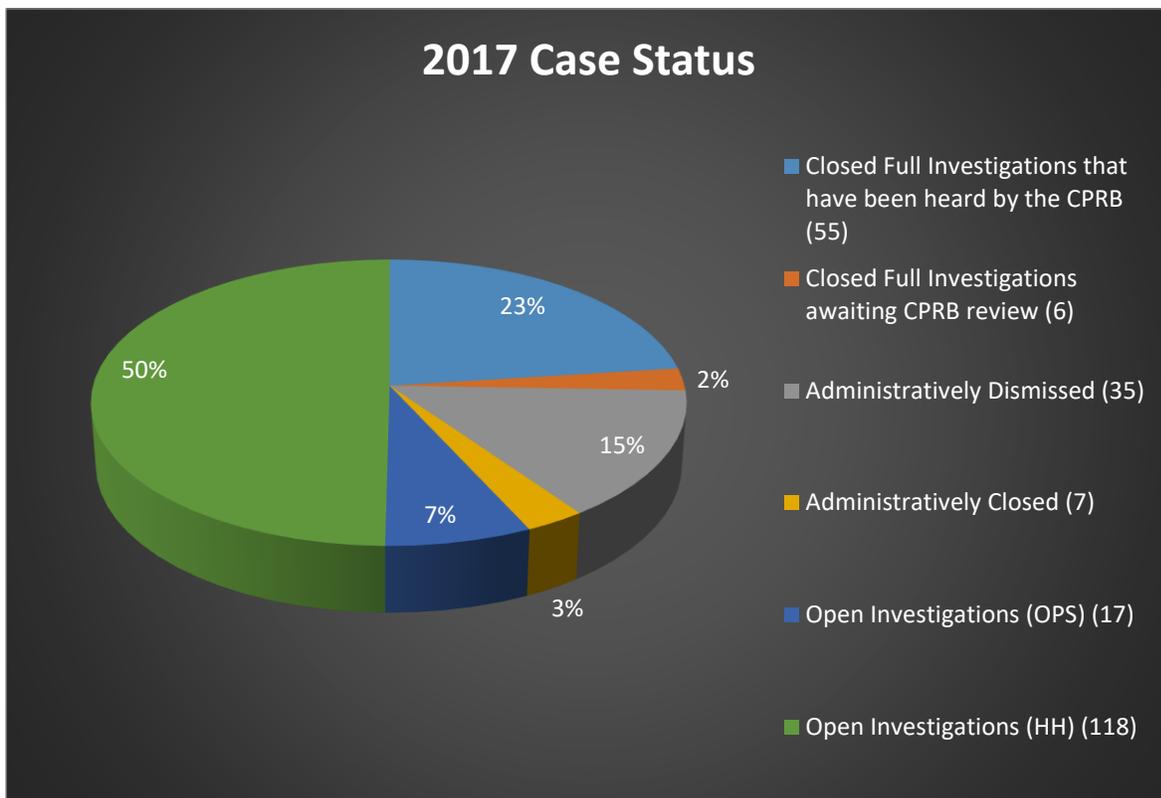
Complaints may include multiple allegations, and each allegation is investigated. The following bar graph shows the breakdown of the primary allegations that were made in the 241 complaints.<sup>5</sup>



<sup>5</sup> Primary allegations are identified from the narrative that the complainant provides in the complaint form.

The pie chart below shows current OPS activity on those 241 complaints. Of the 241 complaints originating in 2017, 103 cases have been closed. Of those 103 investigations, 61 cases received full investigations, 35 were Administratively Dismissed and seven were Administratively Closed. Fifty-five complaints have been completely closed, meaning the case has been heard by the CPRB, a Chief’s hearing has been had, if applicable, and a final Disposition Letter has been sent to the complainant.

As of the end of December 2017, one hundred thirty-five cases of those complaints initiated in 2017 remained open and under investigation. Of the open cases, 17 were under investigation by OPS investigators and the remaining 118 cases were designated for transfer to a third-party vendor contracted by the City of Cleveland to complete backlogged investigations (described more in detail below).



# OPS Internal Affairs Referrals

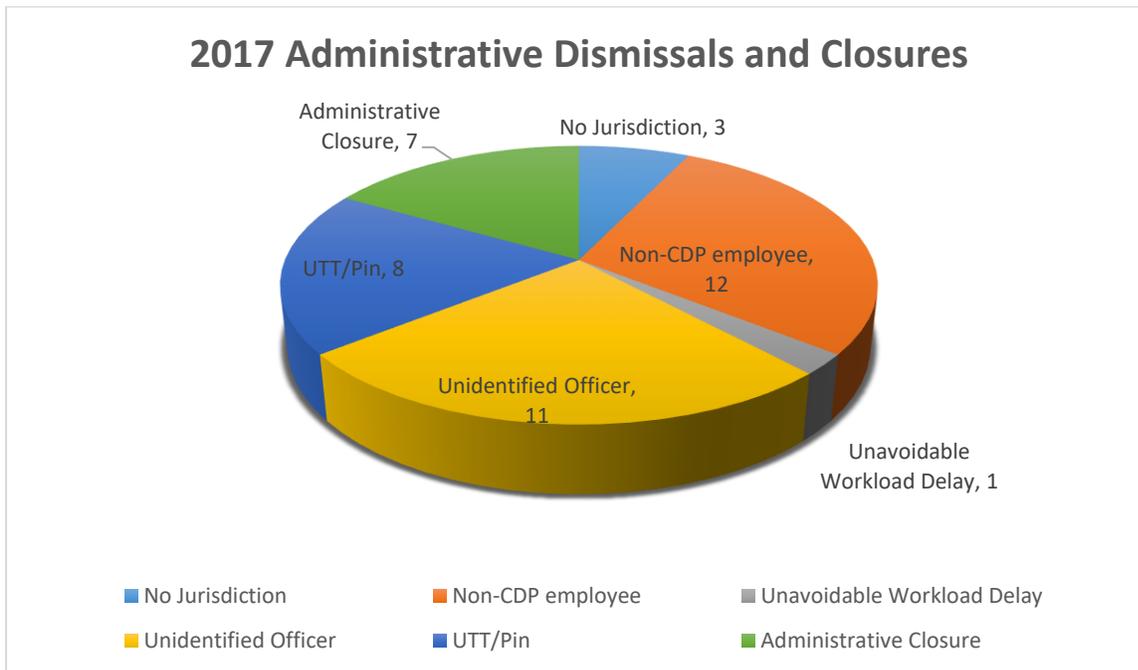
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If at any time during an OPS investigation, facts suggest that criminal conduct did occur, a copy of the file is forwarded to IA so that the unit can conduct a thorough investigation. Regardless of the IA investigatory results, the case is returned to OPS to conclude its separate investigation pertaining to the alleged non-criminal conduct or administrative violations. New case tracking procedures are currently being introduced to ensure accurate recording and reporting of IA referral statistics.

# OPS Administrative Dismissals and Closures

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The following is a breakdown of complaints that were administratively dismissed in 2017:



As explained in Section 701 of the OPS Policy Manual, complaints may be administratively dismissed when one of the following criteria applies:

1. The individual complained of is not a CDP employee;
2. The employee referenced in the complaint cannot be identified despite the best efforts of the agency;

3. The preliminary investigation reveals that the delay in police services was due to workload or otherwise unavoidable;
4. The complaint involves off-duty conduct of a civil nature (unless the alleged conduct, or its effects, constitute misconduct or have a substantial nexus to the officer's City employment);
5. The complaint concerns the receipt of a uniform traffic ticket and/or parking infraction notice without any additional claims of racial profiling, illegal search, excessive force, or other allegations within OPS's jurisdiction.

Although in prior years, administrative dismissals were heard and acted upon by the CPRB, in 2017, a court-approved change in OPS-CPRB policy transferred this responsibility to the OPS Administrator or his designee. Complainants who disagree with the administrative dismissal of their complaint can appeal the dismissal to the CPRB. In addition, in October 2017, the Monitoring Team reviewed a sample (78) of OPS administrative dismissals to ensure adherence to OPS manual provisions. The Monitoring Team determined that the OPS was in compliance with its policies with respect to 72 (92%) of the administrative dismissals. The remaining cases were re-classified for investigation based on the Monitoring Team's advice and consultation with a desire to ensure 100% OPS compliance into the future.

In addition to the Administrative Dismissal process, cases may also be administratively closed. An Administrative Closure is a rarely used mechanism in which cases may be closed in order to merge or consolidate multiple related cases, when OPS has received duplicate complaints or when a case is opened in error. Cases are merged and consolidated when multiple complaints are received raising the same facts or arising from the same occurrence such that a collective investigation of both complaints would be most effective under the circumstances.

# OPS Investigations and CPRB Dispositions

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Complaints that are not referred to Internal Affairs for investigation or administratively dismissed are investigated by OPS. Investigators gather evidence by taking statements and/or conducting recorded interviews of complainants, CDP employees, and witnesses who may have factual information pertaining to the complaint. Statements may also be taken from persons who have specialized knowledge regarding the complaint or the circumstances related to the complaint. Additionally, Investigators are expected to gather evidence such as reports, activity sheets, 911 calls, dispatch reports, crime scene materials, as well as video or audio recordings that may be related to the complaint. After the Investigator gathers all relevant evidence, the evidence is evaluated and an Investigative Summary Report is drafted. The Investigative Summary Report contains the agency's recommended findings and conclusions about the investigation. Detailed analysis of complaint investigations, to include the average length of investigations, will be included in subsequent annual reports.

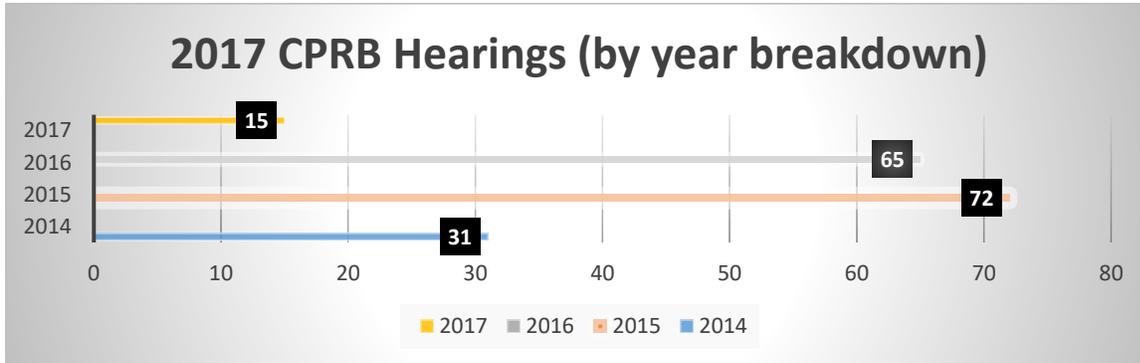
## **CPRB DECISIONS:**

Once the OPS Investigative Summary Report has been completed, the OPS Administrator submits the file to CPRB for review. The CPRB's monthly board meetings are open to the public to discuss complaints and completed investigations of alleged misconduct of CDP personnel. The complainant and the CDP member are both notified of the date and time of the meeting.

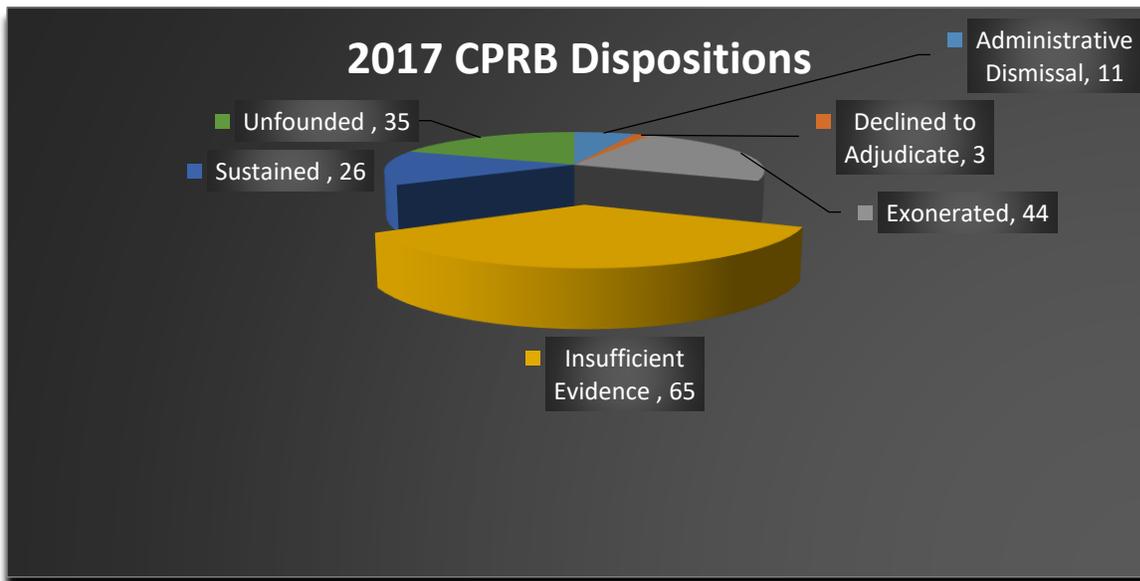
On meeting day, a quorum of the CPRB members (at least two-thirds) must be present to reach a disposition and provide recommendation on discipline for each allegation identified. The OPS Investigator who conducted the investigation presents the case to the Board by outlining the nature of the complaint, the nature of the allegations involved and the material evidence and facts established by the investigation. That Investigator also shares the OPS-recommended disposition with the board at that time. Board members will often ask questions of the Investigator and give complainants and CDP employees the *opportunity* to be heard at that time.

In reaching a decision, the CPRB is required to review its cases under the "Preponderance of the Evidence" standard of proof. "Preponderance of the evidence" means the greater weight of evidence; for example, based on all of the evidence it is more likely than not that a CDP employee has engaged in conduct inconsistent with CDP policy, procedure or training. For purposes of applying the "preponderance of the evidence" standard, officer performance must be evaluated against the policy, procedure, or training in effect at the time of the incident.

In 2017, the CPRB adjudicated 184 complaints based on OPS investigations. Of those 184 complaints, 31 complaints were filed in 2014, 72 were filed in 2015, 65 were filed in 2016 and 15 were filed in 2017.



Of those 184 complaints, 11 were Administratively Dismissed by the CPRB under the previous process that did not allow for the Administrator to administratively dismiss investigations. The CPRB recommended sustained findings to the Chief of Police on 26 investigations.<sup>6</sup> Of the remaining investigations, the CPRB determined that 35 complaints were unfounded, 44 were exonerated and 65 had insufficient evidence to determine whether misconduct had occurred. Finally, the CPRB Declined to Adjudicate 3 cases in which the officer alleged to have conducted the misconduct was separated from the CDP by the time the case was referred to the Board.<sup>7</sup>



<sup>6</sup> Complaints can allege one allegation or multiple allegations. The data included here is based on the disposition of the primary allegation. However, if any part of the complaint was determined to be sustained, that data is also being reported here.

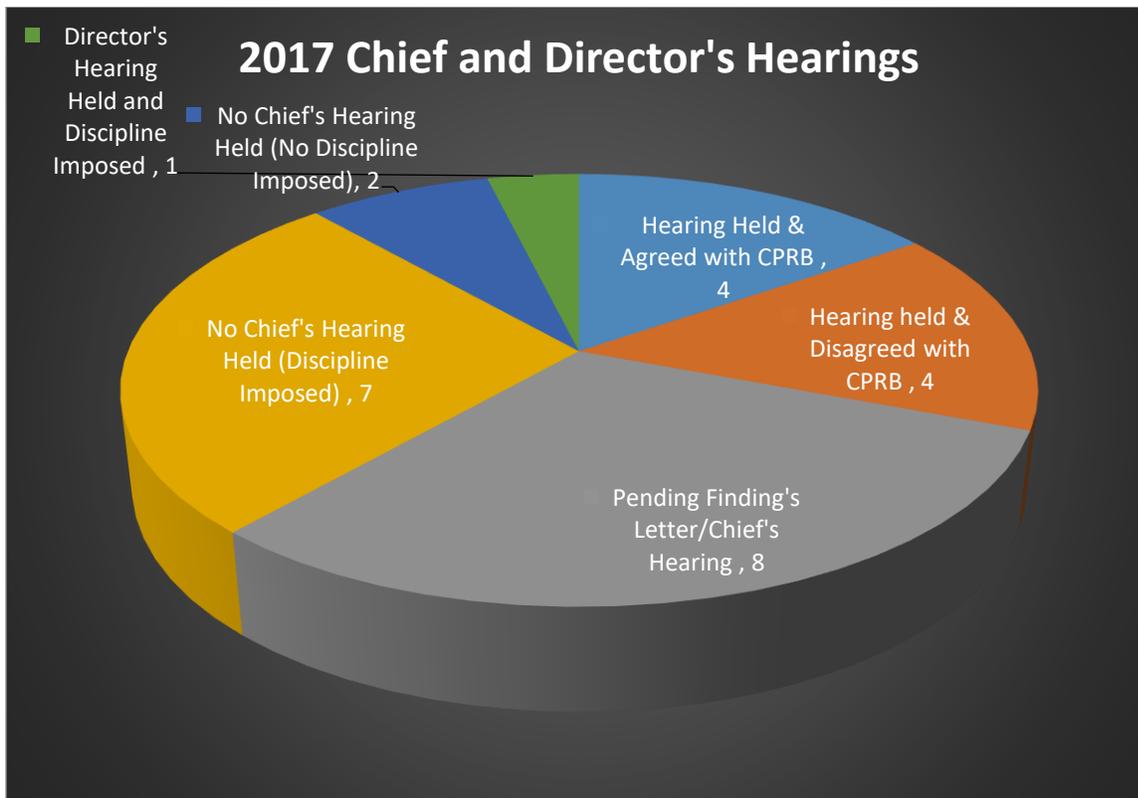
<sup>7</sup> Future annual reports will include the disposition of complaints by complaint type.

## **CHIEF OR DIRECTOR'S PRE-DISCIPLINARY HEARINGS:**

If any aspect of the investigation has been sustained by the CPRB, OPS is expected to forward a Findings Letter to the Chief of Police (“Chief”) and the Director of Public Safety (“Director”) within 14 days after the hearing. The Findings Letter summarizes the CPRB’s findings, explaining their rationale to the Chief as well as the matrix category as determined by the Disciplinary matrix that was in place at the time of the incident. Along with the Findings Letter, the complete OPS investigative report and all supporting documents are provided to the Chief of Police.

The Chief or Director subsequently holds a hearing in which the CDP member is given the opportunity to offer testimony and provide contrary or mitigating evidence. Within ten days of the hearing, the Chief or Director is required to notify the CPRB of its outcome and any discipline to be imposed. OPS is working with the Chief’s Office to ensure that the Chief provides an explanation for any departures from CPRB recommendations and a protocol to ensure that the CPRB has the opportunity to appeal any decision with which it disagrees to the Public Safety Director.

Of the 26 complaints adjudicated by the CPRB in 2017 (diagram below), which involved recommendations for sustained findings by the CPRB, as of the end of 2017, eight had disciplinary hearings and a final determination from the Chief. In an additional nine cases (seven resulting in discipline), the CPRB presented their findings to the Chief with him declining to hold a disciplinary hearing. In one additional case, an OPS complaint was adjudicated by the Director in conjunction with other disciplinary matters that were brought before him. In four cases, the Chief agreed with, at least, one of the CPRB recommendations and imposed discipline consistent with those recommendations.



## CPRB Policy Recommendations

The CPRB does not make disciplinary recommendations to the Chief of Police in every case. Depending on the results of the investigation, the CPRB may make policy recommendations to the Chief of Police. Recently, the CPRB has raised policy considerations with the CDP concerning the importance of CCC relaying messages to officers, review of proper equipment for transporting evidence in CDP zone cars, and review of lobby procedures for the elderly and persons with disabilities, among other issues. A more systematic recommendation procedure is being developed in 2018 to facilitate communication to the CDP of important policy concerns.

## OPS 2017 Year in Review

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### Disposition Letter Backlog:

At the end of 2016, in addition to the backlog of complaints awaiting complete investigation, there was a backlog of disposition letters. A disposition letter informs the complainant of the results of their cases once it has adjudicated by the CPRB. Moreover, based on technical assistance received from the DOJ and the Monitoring

Team, the OPS and CPRB recognized that disposition letters did not sufficiently state the basis for the Board's decisions.

At the time the 2016 OPS annual report was written, OPS had a backlog of 215 disposition letters. We are pleased to report that that entire backlog was addressed in 2017 and that disposition letters are now sent within 15 days of their cases being reviewed by the CPRB. Moreover, these letters now explain the Board's rationale for its decision-making to the complainant.

### **OPS Staffing:**

#### ***CPRB Secretary (Full-time position):***

The CPRB had a part-time senior clerk position approved in its 2016 budget. This position was considered to be essential in assisting the CPRB perform its tasks such as recording minutes, preparing agendas, communicating with complainants and performing tasks assigned by the CPRB and the OPS Administrator in an efficient and expedient manner. However, the position remained vacant throughout 2016 because a qualified candidate could not be identified that would accept the position on a part-time basis. In June 2017, the position was converted to a full time, private secretary and the newly created position was filled in August 2017.

#### ***OPS Investigators (Two full-time positions):***

Two additional permanent investigator positions were approved for funding in 2017. These positions were essential to ensuring adequate staffing for 2018 in order to avoid any future backlogs of case investigations.

#### ***Supervising Investigator (Full-time position):***

A new full-time Supervising Investigator position was approved for funding in 2017. This position was considered essential to ensure adequate case management practices and to ensure appropriate quality control for investigations.

#### ***Community Relations Coordinator (Full-time position):***

A new full-time Community Relations Coordinator position was approved for funding in 2017. This position was considered essential to ensure the creation and implementation of a Public Awareness Plan and to coordinate necessary outreach activities with the public and within the Cleveland Division of Police.

### **OPS Staff Training**

In 2017, OPS investigators accrued over 100 hours through continuing professional training and education, such as, but not limited to, 1<sup>st</sup> Amendment, Investigating Citizen Complaints, 4<sup>th</sup> Amendment, Crisis Intervention Training, Wearable Camera System (WCS), Use of Force, Report Writing, Business Writing Skills and Updates and IA Pro Data Management Software.

SUBJECT MATTER	TRAINING SOURCE	DATE
1 <sup>st</sup> Amendment	Monitoring Team Member Tim Longo	7/19/2017
Investigating Citizen Complaints	Public Agency Training Council; Columbus, OH	7/25-7/27/2017
Community Engagement Through Data and Other Strategies	National Association for Civilian Oversight of Law Enforcement (NACOLE) (webinar)	7/27/2017
4 <sup>th</sup> Amendment	Monitoring Team Member Tim Longo	8/16/2017
Public Records Request Process	City of Cleveland Police Dept.	9/15/2017
Crisis Intervention Training (C.I.T.)	CDP & ADAMHS Board Member	9/29/2017
Data Analysis Workshop	DigitalC	10/10/2017 - 10/12/2017
Information Technology Training	Public Safety Information Technology Dept (IT).	10/24/2017
Investigation Training	MT	10/30/2017
Body Worn Cameras	Sgt. Todd Melzer	11/15/2017
Record on Demand	Public Safety Information Technology Dept (IT).	11/21/2017
Use of Force Training	City of Cleveland Police Dept.	12/11/2017 – 12-12/2017

### Increased Training for CPRB Members:

Consistent with the Consent Decree and the CPRB Manual, CPRB has received trainings on topics including, but not limited to, the 1<sup>st</sup> and 4<sup>th</sup> Amendments, Wearable Camera Systems (WCS) functionality and policies, use of force policies and practical application, de-escalation techniques and policing individuals in crisis. The CPRB training, conducted monthly at the CPRB meetings, has been provided by members of the Monitoring Team and members of the Cleveland Division of Police. The training's attended are depicted below:

SUBJECT MATTER	TRAINING SOURCE	DATE
1 <sup>st</sup> Amendment	Monitoring Team Member Chief Tim Longo	7/19/2017
4 <sup>th</sup> Amendment	Monitoring Team Member Chief Tim Longo	8/16/2017
4 <sup>th</sup> Amendment	Monitoring Team Member Chief Tim Longo	10/18/2017
Body Worn Camera	Sgt. Todd Melzer	11/15/2017
4 <sup>th</sup> Amendment	Monitoring Team Member Chief Tim Longo	12/20/2017

### **Implementation of OPS/CPRB Process Maps and Business Rules:**

During 2017, OPS drafted process maps that outlined how an OPS complaint proceeds through the intake, investigative, and disposition phases. These process maps were developed, in part to streamline OPS case handling processes and to ensure that all staff members were trained in a manner consistent with the Consent Decree, the OPS Manual and the CPRB Manual.

OPS utilized these process maps to strengthen its internal business rules. The creation of these business rules was a goal for 2018 and intended to cement the policies and processes in which the complaints are investigated, the data is entered and maintained and communication is maintained with OPS complainants.

### **Migration to a New Case Management Database:**

OPS has continued to migrate from our Microsoft Access database into IA Pro. Beginning in September 2016, OPS began entering cases in IA Pro. As of the end of 2017, all investigators had been trained on IA Pro and were entering data on investigations that they are completing and on closed investigations.

### **Increased Community Engagement:**

In 2017, OPS developed an information pamphlet in English and Spanish. The pamphlet informs public members about their options in filing complaints of misconduct against CDP staff as well as the processes involved in having that complaint being investigated and being heard by the CPRB. The OPS looks forward to 2018 when the hiring of a new Community Relations Coordinator will allow the OPS to create a Public Awareness Plan, as required by the Settlement Agreement and active outreach by OPS Administration to community and police stakeholders.

### **Increase in Public Records Requests:**

It is the policy of the City of Cleveland that, as required by Ohio law, records will be organized and maintained so that they are available for inspection and copying in accordance with the law. The City of Cleveland automated its Public Records Request (PRR) system on October 30, 2017. This online portal aimed to improve the efficiency of the City's records request and tracking process, while improving public transparency. In 2016, OPS received a total of 18 PRRs. In 2017, OPS received a total of 53 PRRs. Of those 53 requests, 21 were received between January 1, 2017 and October 30, 2017. Once the automated request system became operational on October 30<sup>th</sup>, there was an immediate increase in requests. There were 22 requests where OPS submitted records as a part of a larger request with other departments. Also, there were an additional 10 requests where the only records requested were specifically from OPS.

## **Creation & Adoption of a new CPRB Manual:**

In 2016, Policy Manuals for OPS and the CPRB (Manuals) were drafted and submitted to the Court for approval. The respective Manuals were approved by the Court in January 2017 and OPS and the CPRB begin adhering to the mandates as outlined within the manual. The CPRB realized, however, that aspects of their Manual proved problematic during the hearings. Therefore, edits were made to the CPRB manual that addressed difficulties in recessing to and returning from executive session; the three-member panel of the CPRB<sup>8</sup>; and, various attachments and checklists that the CPRB uses in adjudicating cases. These revisions were approved by the Court and published by the City of Cleveland's for 15 days, before adoption and usage by the CPRB.

## **OPS Challenges**

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### **Complaint Backlogs:**

In November 2017, a public hearing was conducted by the Honorable Judge Solomon Oliver in the U.S District Court for the Northern District of Ohio (the "Court"). This hearing addressed the concerns of the Monitoring Team and the Department of Justice regarding the lack of progress that OPS was making in addressing its backlog of investigations. The City's response, filed with the Court in December 2017, outlined the City's plans to utilize a third-party vendor to address the backlog of investigations. The use of outside investigators is expected to allow OPS investigators to direct their efforts into ensuring that investigation of public complaints received as of December 1, 2017 will be timely investigated. The third-party vendor's investigators will also be required to complete their investigations in accordance with the procedures outlined in the OPS Manual.<sup>9</sup>

## **GOALS FOR 2018**

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OPS and the CPRB have identified the following goals for 2018:

### **Community Engagement Coordinator and Community Outreach Plan**

Spreading awareness of OPS and the CPRB throughout Cleveland is central to our oversight mission. This year, OPS expects to hire a full-time community engagement

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<sup>8</sup> The 3-member panel of the CPRB is a subset of the Board which is empowered to hear cases involving misconduct allegations. Per the CPRB Manual, Section H.1.b., "cases that involve misconduct that can be classified as Demeanor, Rudeness, and Improper Tow, with no other type of alleged misconduct, shall be assigned for review by a Panel unless the Chair determines that there are circumstances warranting assignment to the full Board.

<sup>9</sup> <https://assets.documentcloud.org/documents/4332132/City-OPS-Plan.pdf>

coordinator who shall, in consultation with the Administrator, prepare and begin to implement a community outreach plan encompassing all areas of the city.

### **Reduction of the number of 9-month-old open cases by 75 percent**

With the backlog of cases designated for transfer to a third-party vendor, OPS will focus on ensuring that all cases remaining on the docket are closed in a more timely, efficient manner. It is expected that these efforts shall reduce the number of 9-month-old open cases by 75 percent.

### **Research Analyst**

To facilitate the composition of research, the availability and accessibility of OPS data, and the establishment of policy recommendation protocols responsive to OPS and CPRB's case experience, OPS will hire a full-time research analyst.

### **OPS and CPRB Training**

The training that the Office of Professional Standards and the Civilian Police Review Board have received has grown considerably in the number of sessions and the variety of subjects covered. OPS plans a week-long December training series designed to reinforce ongoing OPS internal trainings and introduce new topics covered by instructors from throughout the Cleveland area.

Heading into 2018, OPS and CPRB look forward to extending the positive momentum introduced by key 2017 developments in personnel, training and procedure. Through anticipated additions in staff, policy and community engagement, we will continue to build the agency's ability to provide timely and thorough investigations of allegations against CDP employees, something both officers and Cleveland residents have a right to expect.