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## Community Police Commission Public Meeting

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Agency: [Cleveland Community Police Commission \(CPC\)](#)

Date: Aug. 23, 2023

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### Summary

- This commission, the Department of Public Safety's [Internal Affairs](#) and the [Office of Professional Standards](#) (OPS) are all still in what appears to be an early stage of enacting the new reforms based on the presentations made in this meeting.
- The commission and community were informed of the OPS and the Department of Public Safety's Internal Affairs investigative process.
- The commissioners are set to be trained on why the Issue 24 charter amendment was written.

### Follow-Up Questions

- What is the underlying problem of police reform?
- Do commissioners know Issue 24 and why it was written? If not, why?
- Why is 1967 case law referenced regarding rights of police officers under investigation in 2023, a time with a nationwide effort of police reform? *[Editor's note: This question references slide 11 of the [Internal Affairs](#) presentation].*

### Notes

This meeting opened with Cleveland City Council Member Stephanie Howse welcoming attendees to Ward 7. She reviewed community agreements on how people engage in dialogue in Ward 7, which reminded everyone to be respectful.

Jan Ridgeway, co-chair of the [Community Police Commission \(CPC\)](#), said she appreciated OPS and Internal Affairs presentations for the first half of this community meeting. She said that community members often ask what the CPC does, as well.

Highlights of the [presentation](#) about Internal Affairs:

Former Cuyahoga County Sheriff Christopher Viland presented. Viland is now

superintendent of the Cleveland Department of Public Safety's Internal Affairs unit, which investigates criminal complaints against Division of Police employees.

He explained his two gubernatorial appointments for previous positions and said that in the space of Internal Affairs, investigators have the police rank of sergeants.

He presented about the bifurcation of investigations, which means that the investigations have two parts: criminal and administrative.

He said the Fifth Amendment protects people from self-incrimination, including public employees. Viland discussed [Garrity v. New Jersey](#), a U.S. Supreme Court Case from 1967 that says employees cannot be a witness against themselves, even if they're required to answer specific questions during an investigation. Watch and/or listen to Viland [explain the details](#).

Internal Affairs cannot compel former employees to come in and be questioned, but they can continue investigations, Viland said. He added that they cannot issue administrative discipline to past employees. He went on to explain that in the use of deadly force, under the Fifth Amendment, officers do not have to implicate themselves in a criminal investigation.

Later in the meeting, Commissioner Teri Wang addressed public records with Viland and Perez. She said that according to the City Charter, commissioners do not have to go through the public records request process. Viland said records that are a part of a pending investigation are not public. When investigations close, a significant amount of information has to be redacted by the Department of Law, so he prefers commissioners use the public records process. He went on to say that there is a type of information that commissioners will never have access to, such as state computer leads OHLEG files, and that Wang is correct that the commissioners have access to more records than a civilian.

*[Editor's note: For reference, the [City Charter](#) says the following about the CPC's authority: "Requesting and timely receiving, without the need for making a formal public-records request, from other City departments and offices including the Division of Police and Director of Public Safety, information relevant to the Commission's duties that must be disclosed if requested under the Ohio Public Records Act."*

Viland said if the Homicide Unit is investigating a case of deadly force, all disciplinary specifications come through Internal Affairs.

A commissioner asked who makes the call for prosecution. Viland said that County Prosecutor Michael O'Malley assigns a special prosecutor who is not housed in the office. That special prosecutor is not part of the immediate on-scene response but is part of the initial investigation.

Viland said that Internal Affairs will also investigate use of force allegations against outside agencies if the use of force happened in Cleveland.

Viland explained that for every use of force investigation, there are effectively four investigations that happen in addition to the administrative review. They include:

- Criminal conduct by the subject
- Use of force inquiry
- Administrative investigation of the police member
- Criminal conduct by the office

When deadly force is involved, the Cuyahoga County Sheriff's Department takes over this part of the investigation under a memorandum of agreement with the CPD.

[Marcus Perez, the new OPS administrator](#), introduced himself as having been on the job for four months now. This was his first speaking engagement in this new role. He said OPS is the agency investigating every complaint. It has hired two new investigators, who should be up to speed by Sept. 1.

The City of Cleveland unveiled its new [website](#) Aug. 22, with a new OPS page. Part of the resources section has been moved to the publications page of the city website. Below are links that were once all in one place:

- The OPS page moved [here](#).
- The OPS manual is now [here](#).
- Information about the amended Consent Decree is [here](#).

Officers are helping people complete misconduct complaint forms, and the city is responsive when a complaint is filed, according to Perez. OPS received 212 complaints this year and has investigated and sent 32 of them to the Civilian Police Review Board (CPRB), which decides if—and what level—of discipline the city should issue. There are 20 cases left from 2022, Perez said.

The CPRB case backlog should be down to 30 cases after its September meeting, per Perez. September will be the CPRB's last month of the year having two sessions. It will decide whether two monthly sessions are needed again in 2024.

There is also a backlog of cases for OPS to investigate before bringing them to the CPRB. There are 210 cases backlogged, Perez said.

Perez explained the OPS process. The process involves complaints going through intake with a one- to three-day turnaround time. During that time, Perez talks with the resident that made the complaint and issues a plan of action to an investigator. Investigators have five days to contact the complainant and let them know they'll be the investigator handling their case. OPS currently has a backlog and is operating with 10 investigators.

Reports from OPS will show how many officers left CDP while they were being investigated.

The OPS investigative process was shared as part of Perez's presentation. He said recommendations to the CPRB are drafted first, and then they inform the resident who made the complaint and the officer they are investigating. Additional steps include receiving community feedback on the policy recommendations that come out of an investigation. The investigation and recommendations are then packaged for the CPRB.

In Perez' 90-day assessment of OPS, he said that investigators "have lost touch" with the community. He said that investigators did not go out into the community to meet with complainants. Perez said there is a lot of training to be done and that investigators need to rebuild relationships.

Commissioner Alana Garrett-Ferguson asked if Perez makes disciplinary recommendations after a case is closed and in front of the CPRB. Perez said that OPS does not make disciplinary recommendations, and the CPRB uses a disciplinary matrix for their decisions. Perez said he makes policy recommendations with some cases, but because of the backlog he needs to ensure that a policy recommendation is still relevant for a case that is two years old.

Wang asked if there are other avenues for complainants when CPRB findings are not satisfying. Perez said there is no communication on that between disciplinary bodies, and citizens have not asked about that.

Garrett-Ferguson asked about youth complaints. Perez said that complaints come through the parent, and that OPS investigates it, as they do with all complaints. Juvenile interviews will have supervisors present, and the parents will be involved.

Commissioner Shandra Benito asked about the process in officer domestic violence cases. Viland said that there are two cases, one criminal case within the city where the reported domestic violence happened, and one administrative case. Viland said that if the incident happened outside of Cleveland, Internal Affairs would only take over the administrative investigation. Domestic violence is a misdemeanor, he said.

The CPC's internal training committee is working on an internal training with the framers of Issue 24, said Garrett-Ferguson. [Citizens for a Safer Cleveland](#) would inform commissioners on what their goals were when they put the charter amendments together.

The CPC Public Policy Committee said they needed to know more about surveillance technology. Many commissioners have not been educated on what tools the city has or what the metrics are. They will be inviting the city to do a training so they can be on the same page about how these tools work and how they are being deployed.

Commissioner John Adams gave the Budget and Grants Committee report. He said the commission received 92 applications for the community grants and 79 to 80 have to be reviewed by commissioners. He said that they discussed with Cleveland Chief Ethics Officer Delante Spencer Thomas how to address conflicts of interest, so commissioners signed conflict of interest forms and recused themselves from some applications. There are five commissioners reviewing grants, so there are 15 to 16 grants per commissioner.

Richard Jackson, a public commenter who served previously on the Community Police Commission expressed concern about conflicts between past and present policies. He recommended they check with the city's Department of Human Resources for conflicts with city policies, and he said the commissioners should review their manuals.

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