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Safety Committee

Documenter name: Karima McCree-Wilson

Agency: Cleveland City Council

Date: May 15, 2024

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Summary

- The 14th Semiannual Monitor's Report described stagnation attributed to obstructionist efforts by the city Law department.
- Members of City Council expressed frustration with the time and money required by the city to achieve compliance with the Consent Decree and sought ways to help expedite the process.
- The committee progressed legislation for funding for more violence interrupters to be on the streets.

Follow-Up Questions

- What efforts are planned by the administration, following Judge Solomon Oliver Jr.'s ruling, to increase collaboration from Public Safety and police leadership?
- What is the city's process for checking the background and credentials of individuals in organizations receiving funding from the city?

Notes

Roll was called. Council Members Mike Polensek, Joe Jones, Stephanie Howse-Jones, Danny Kelly, Charles Slife and Richard Starr were present.

The meeting began with public comment.

Reverend Pamela Pinkney accused city police and prosecutors of failing to provide her equal protection under the law. She said she was also denied rights under Marsy's Law. She said that she is running for president in 2024.

Alvin Bridges from Ward 1 spoke next. He said that he supports the Law director's opposition to unredacted police reports being provided to council members. He said that council members are legislators, not investigators. He listed several organizations that

City Council provides funding to and said they have no right to sensitive personal information regarding crimes, medical records, victims or offenders. *(Editor's note: City officials have said that delays in fulfilling records requests are due to redactions required under Marsy's Law. The law protects the rights of victims of violent crimes.)*

Next, Brenda Bickerstaff said that if the city is paying the monitor, Karl Racine, too much money, they should have not agreed to it. She said that the police chief and the safety director missing this meeting shows a lack of accountability. She asked that consent decree status hearings be livestreamed for public viewing.

Last, Darryl Houston said he is concerned that the Cleveland Division of Police (CDP) has been under the consent decree for nine years with no progress to show. He said no one is being held accountable. He pledged \$25,000 for any community members that can bring 25,000 signatures to remove elected officials from their seats when they aren't doing their jobs.

Polensek ended public comment. He said the CDP is under a court-ordered federal monitor, and council is hoping to learn what the city has done correctly and where there needs to be improvement. He told listeners that City Council can not hire, fire, deploy or administer. He said City Council provides funding and they have a right to ask questions, seek information and they have subpoena power.

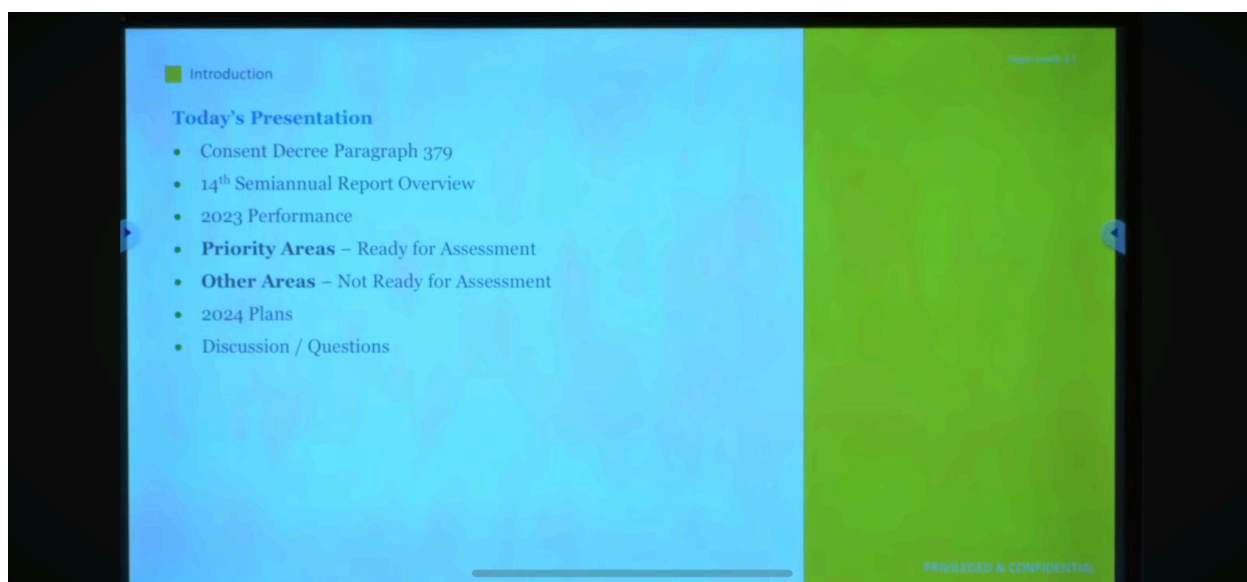
Racine was there to talk about the [14th Semiannual Monitor's Report](#).

Additional members of the monitoring team introduced themselves:

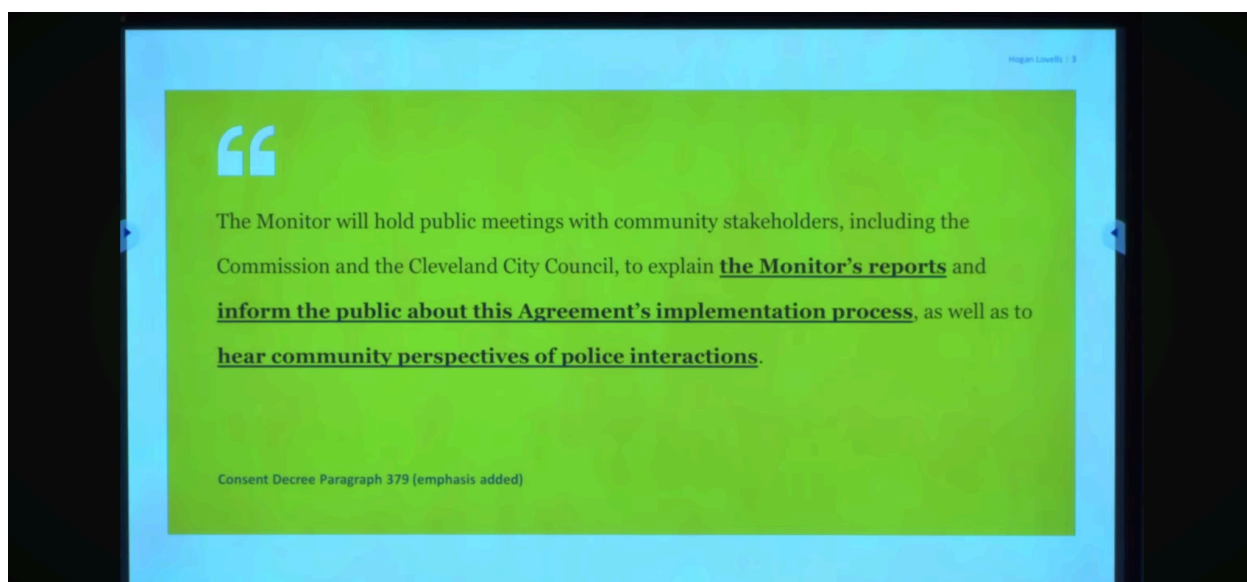
- Charles See, a lifelong Cleveland resident
- Victor Ruiz, a resident of Ward 17
- Ronnie Dunn, a resident of Ward 8
- Christine Cole, who said she's been active on the team since its inception
- Abby Wilhelm, who said she serves as the team's chief of staff

[Link to all members of the monitoring team and their bios.](#)

Wilhelm began by sharing a slide of what is to be discussed in today's meeting.



Racine said that the monitoring team is jointly selected by the Department of Justice (DOJ) and the city, and appointed by the court to monitor and report on the consent decree. He presented a slide and talked about the purpose of meeting with council members, other groups and community members, as described in the consent decree.



Racine said he is serving as the fourth monitor and has done so for over a year.

He said the consent decree contains more than 375 paragraphs that cover 10 content areas:

1. Community Engagement

2. Community and Problem-Oriented Policing (CPOP)
3. Bias-Free Policing
4. Use of Force
5. Crisis Intervention
6. Search & Seizure
7. Accountability
8. Transparency, & Oversight
9. Officer Assistance, Support
10. Supervision

The monitoring team files a semiannual report every six months addressing each paragraph in the decree.

He said the 13th semiannual report was complimentary to the city, but the 14th report is characterized by stagnation. He said that the reason for this is that the city has asserted legal challenges to the monitor and the DOJ, preventing access to documentation previously made available. [He said that Judge Solomon Oliver Jr. made it clear that there should be full access, and more recently the city has been cooperating.](#)

Polensek asked for specifics on the noncompliance.

Racine said the Department of Law asserted that the monitor was not able to access Ohio LEADS and Criminal Justice Information Services (CJIS) data, and a court process was necessary to get the city to comply.

Wilhelm presented information about compensation for the monitoring team. She presented a slide and talked about the compensation structure and projected costs for 2024.

2023 Performance				
2023 Budget Projection	Actual Fees	Under/Over		
\$1,104,670	\$978,753	\$125,917 (UNDER)		
2023 Hogan Lovells Billing Projection	Actual Hours Billed	Under/Over		
1,200	681.2	518.8 (UNDER)		
2023 Hogan Lovells Travel Expense Projections	Actual Expenses	Under/Over		
\$72,000	\$33,282*	\$38,718 (UNDER)		
2023 Hogan Lovells Pro Bono Projections	Actual Pro Bono Given	Under/Over		
20%	22.2%	*2.2% (OVER)		

Hogan Lovells is compensated **\$600 per hour** (\$750 + 20% discount) for its legal and professional staff.

Other Monitoring Team members are compensated **\$230 per hour**.

*This number includes non-Hogan Lovells Monitoring Team members, which is significant.

*This number does not include more than **\$111,000** (185 hours) provided pro bono by Abby Wilhelm.

Cole spoke about comprehensive assessments to determine whether the intent and outcomes of the consent decree are being achieved. She described their methodology and said they “trust but verify.” They review form one reports, arrest reports, use of force reports, and body cams and ensure that people are acting in accordance with policies and trainings.

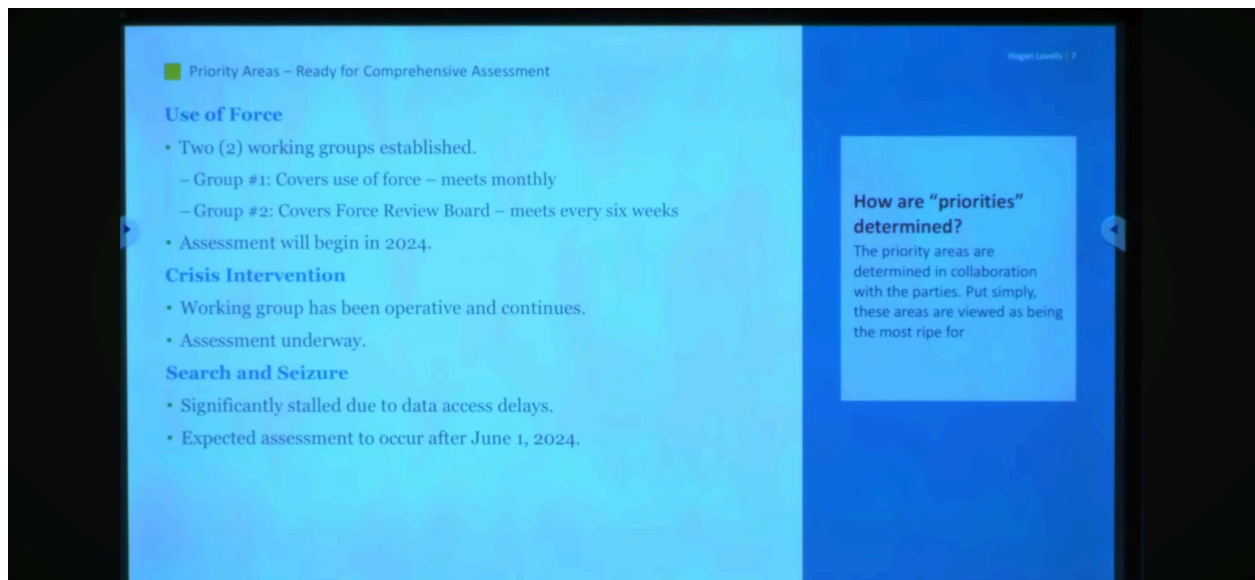
Polensek said council members are having an issue receiving redacted reports from the police. He gave the example that the council is seeking information on a homicide case and they are not being told the names of the victim. He asked if the monitoring team is facing these same issues

[\(Read more here about Marsy’s Law and crime victims’ rights to have their information redacted from case documents prior to public release.\)](#)

Cole said reports they receive are redacted and only include information needed to assess adherence to the consent decree.

She went on to explain that priorities were determined collaboratively and resulted in the formation of working groups.

She shared a slide and said that while the priority areas of use of force and crisis intervention have proceeded as intended, search and seizure experienced significant setbacks due to delays in accessing data.

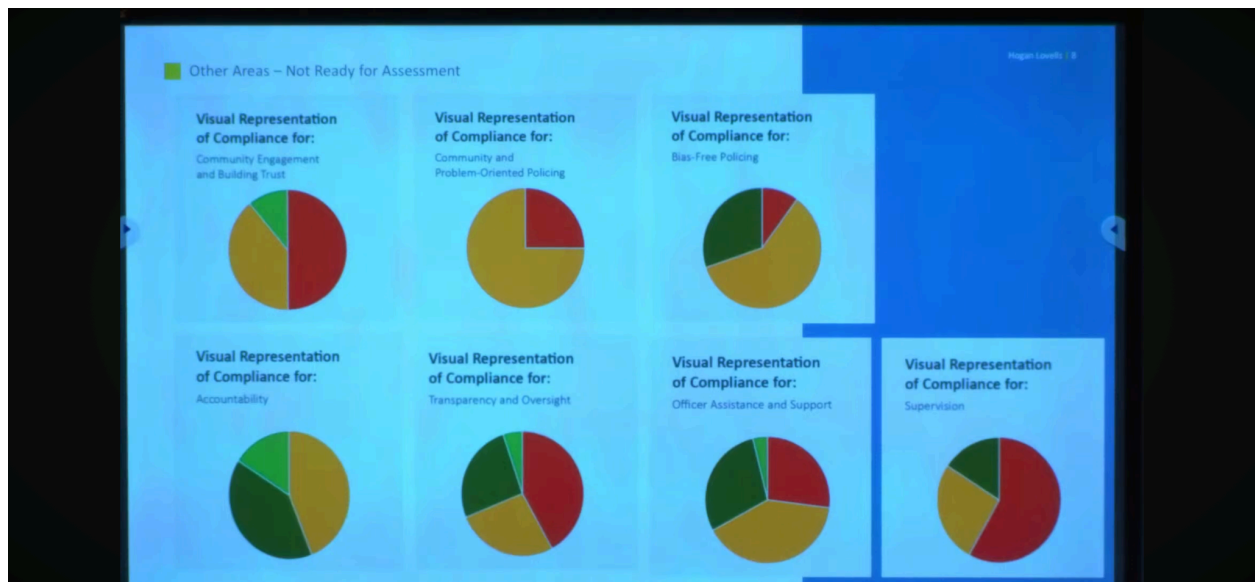


Victor Ruiz commended the city for its commitment to establishing greater trust in the community. He talked about [Coffee with a Cop](#) and greater attendance at festivals and ward meetings.

Cole explained that CPOP involves policing with community groups that can solve a problem, while community engagement is creating relationships with the broader community.

See expressed his appreciation to members of City Council and recognized officers in the midst of National Police Week. He offered condolences to [Euclid Officer Jacob Derbin](#)'s family. He said he would like to see greater engagement with individuals that don't attend traditional meetings, including people who are homeless, individuals living in substance abuse recovery centers and youth that may be involved with gangs or lack supervision. He offered suggestions like soda with a teen and basketball games with the police.

Wilhelm presented a slide describing progress with compliance. She said that the team was encouraged by the city seeking technical assistance to improve CPOP. She said the compliance ratings are non-compliance, partial compliance, operational compliance and general compliance, which are represented by red, orange, dark green and light green, respectively. She said that under CPOP, there are no areas that have been identified as operational or general compliance.



Dunn said that there were online and in-person trainings during the reporting period covering bias-free policing. He said there is still considerable work to be done, but progress is being made.

Racine said [Internal Affairs](#) is diligently improving upon practices as they work towards compliance goals. He said the [Office of Professional Standards \(OPS\)](#) administrator, Marcus Perez, was [on leave](#) during the reporting period, and during this time the monitoring team received little to no communication regarding OPS progress and processes. Racine said Perez has returned and his work ethic and effort have the respect of the monitoring team.

Racine said the city has a treasure trove of data available to use regarding transparency and oversight, but it isn't using the data as effectively as it could be. He said the city intends to make data available publicly through a portal ([the portal is live, click here to access](#)). He said the [inspector general position](#) has been vacant since 2021, and this is a critical position for transparency and oversight.

Cole said officer assistance and support includes recruitment and retention, training and officer intervention programs. She said significant progress has been made in officer training, but little to no progress in employee assistance and the creation of performance systems. She said the intersection of wellness and performance appraisals signal to officers that their development and health are valued, which leads to increases in morale and retention. The lack of formal processes can be demoralizing.

Wilhelm said the 2024 budget for the monitoring team is projected to be \$2.4 million.

Starr said he doesn't understand why it takes nine years to assess the city. Wilhelm attempted to answer his question, but Starr cut her off and said she doesn't need to define assessment for him because he has an MBA. Cole explained that in the beginning much of the work was writing policy and training, and assessments of compliance can't begin until those processes are complete.

Racine said that Judge Oliver has had four hearings and has another one scheduled, totaling five in five months.

Polensek asked if the DOJ reviews billing. Wilhelm said bills are submitted to the DOJ and the City of Cleveland.

Polensek asked whether there's a light at the end of the tunnel. He said he wants to ensure the city is doing what it needs to be doing. He said council has funded everything the administration has asked for and he is disappointed that the city is nowhere near filling the 181 police positions City Council allocated for. He said he wants to deescalate the us vs. them energy.

Racine said the city needs to come with a spirit of openness and collaboration to allow the consent decree to move forward, and to stop the legal shenanigans and bitter exchanges that don't help.

Jones asked how soon the city could get out of the consent decree. Racine said it's hard to give an estimate, but the fact that the assessments are underway means they are getting to a point where they can evaluate whether the monitor can back off and allow the city to take control.

Slife asked about how grades are assigned. Cole said they go paragraph by paragraph. Some requirements have more qualitative and quantitative components while others can be answered simply yes or no to whether the requirement has been met.

Slife wondered if there is a lack of understanding from the city about what the monitors expect. Cole said she doesn't believe so and that those concerns would be made known.

Slife said he is concerned that the city doesn't have the financial resources to continue the process and he wants to clarify council members' role if any, outside of their fiduciary interest.

Racine said the monitoring team and council can engage more closely. He emphasized that the monitor can not bring the CDP into compliance; that's the job of the city. He said this matter is not a profitable matter for the law firm, that their rates for other clients are three times the rate of what they are charging the city.

Griffin said he wants to understand how community engagement and building trust can be improved. Racine said collaboration and communication. Griffin asked why the [Community Police Commission \(CPC\)](#) hasn't moved the needle in this area.

Wilhelm said they are concerned that the CPC's work has also been limited by not having access to data and documents.

Griffin said bias-free policing and search and seizure were not included in the consent decree, these are areas that the city volunteered to improve the process. He said he is frustrated that areas that were not originally included are preventing progress.

Wilhelm said it wasn't until 2022 that the division began recording stop information(!) so no analysis of data could happen.

Griffin asked why training is not being measured. Wilhelm said it is.

Griffin said continuity is important. They have gone through monitors, three chiefs, and three Public Safety directors. He asked how they can push this down to the departmental level so that the needle continues to move regardless of who is in charge. He said he wants to know why the overall safety of the community isn't measured.

Cole said they do see improvements in behavior on the officer and supervisor level that outlives the Public Safety director and police chiefs. Racine said the consent decree doesn't have anything to do with crime stopping. It strives to establish constitutional policing as the standard and has a narrow scope.

Howse-Jones asked who the monitor defines as city leadership when he states in his cover letter that city leadership needs to follow the example of union leaders who express a willingness to work towards achieving progress.

Racine said he is referring to the executive office and city Law department. He said this is not a lawsuit but it's a consent decree and they need to move forward without a hint of obstruction. Howse-Jones said she wants to be clear to the public that it's the Law

department that has failed to help move the process forward.

Howse-Jones asked how much this obstruction has cost the taxpayers. Wilhelm said she can get back to her with an estimate.

Howse-Jones said that the concern with the cost of the monitor is understandable, but she wants to know how much the city has paid in settlements in the same time period. She said this monitor is here because of significant deficiencies and anyone following and reading the monitor reports should be concerned. She asked for clarification surrounding CPOP.

Racine gave an example of a corner that has high crime, and the lack of lighting and fencing contributes to the problem. CPOP would work with the community, departments within the city and the local council member to get the lighting and fencing fixed.

Howse-Jones asked why paragraph 169 was downgraded.

Racine said the paragraph was downgraded because of OPS vacancies, and their scheduled biweekly meetings didn't take place. Howse-Jones said the Safety Committee needs to have monthly safety meetings with the administration.

Starr asked why the administration is absent from the meeting. Polensek said the purpose of the hearing is to hear from the monitor and they didn't want adversarial conversations at the table.

Racine said the monitor's issues are not with the Division of Police. He said there is a willingness to embrace a new style and culture within the division. Starr asked why they're giving Public Safety the funding they asked for if they aren't getting in compliance. Polensek answered that the funding passed is critical to the operation of the division.

Harsh said people in his ward are noting a decrease in policing, demonstrated by the blatant disobeying of traffic laws at an alarming level. He said the Supreme Court tracks the issuing of traffic tickets. 10 years ago, the city issued 120,000 traffic tickets, last year they issued less than 20,000, according to Harsh. He acknowledged that over-policing may be what got the city into trouble to begin with, but the pendulum has swung the other way and there is now a lack of policing.

Harsh asked if the city made no stops, would the city be in 100% operational compliance

with the search and seizure requirement. Racine said, “The consent decree does not counsel against appropriate and constitutional stops.”

Kazy said that there is a [450-member basketball league at Jefferson Park](#) that is run by volunteers with the help of the First District police.

Kazy asked whether the Division of Police currently has a practice and pattern of unconstitutional policing, excessive use of force or unconstitutional search and seizures. Racine said these areas will undergo assessment and they are happy to come back and discuss the results.

Polensek addressed comments and outbursts from the audience that expressed frustration at Kazy’s line of questioning. There were outbursts throughout the meeting. This was the chair’s first time addressing them.

Kazy asked whether pursuant to the consent decree, City Council can refuse to pay monitor’s invoices. Racine said no, that the city agreed to pay.

This portion of the meeting ended and council members invited Community Relations Board Director Angela Shute-Woodson to the table to discuss [Ordinance 525-2024](#).

Polensek talked about children that spoke at council Monday night about how they didn’t feel safe going to and coming from school and how moving this was. He said millions of dollars are spent on violence prevention programs but the city is not seeing a return on the investment.

Shute-Woodson introduces members from [ICONS](#): Hank Davis, Gwen Davis, CJ Matthews, Jihad Shakur, James Box. Cleveland’s Street Outreach Manager Juacquis Simmons and Council Member Kevin Conwell were also present. She said the members at the table have street credibility to engage young community members that are out between 8 p.m. and 2 a.m. and to get them involved and connected.

Polensek said they need two to four violence interrupters per ward. Shute-Woodson said this is a first phase to focus on hotspots. She said they are working to engage with individuals loitering around businesses. Davis said they have the people waiting to do the work but the funding is the issue.

Polensek said there needs to be communication among the groups and collaboration with council members. He asked how results will be measured. Shute-Woodson said that

they will be tracking their data.

Slife asked how they are ensuring that the agencies are collaborating with the police department and documenting the collaboration so that data surrounding CPOP can be shared with the monitor to demonstrate that improvement is occurring.

Shute-Woodson said they have district reps and are working to collaborate with the police.

Jones said he's in favor of the legislation. He said he remembers efforts led by Matthews involving community members and clergy surrounding increases in drive-by shootings from 1989-1990. He said [community meetings were organized with gang leaders to understand what needed to be done to resolve the violence issue and the formula worked.](#)

He said that more resources need to be allocated to the Fourth District, which has had the largest crime wave in years.

Polensek asked whether anyone at the table was opposed to the legislation. No one was and the legislation passed without objection. He left and Jones took over the meeting. The discussion continued.

Gray expressed her approval of the legislation. She said they have funded organizations that stay in their offices and are not boots on the ground in the community. She said she wants to ensure the work they are funding is happening.

Howse-Jones talked about the section of the monitor's report that speaks to how community members are collaborating with the police and asked how their efforts contribute to compliance with the consent decree.

Matthews said they have a data partner, and they understand that the data drives the resources.

Howse-Jones said it's clear that a lot is being done, but they are not effectively communicating the work and the resources to the community.

Simmons said their main focus is to learn what the kids need, what they want and how they can help. He cited post-incarceration sanctions that prevent employment and education. He said 11 to 18-year-olds have nothing to aspire to because they see no hope

in the community that they live in. He said programs need to be oriented towards what the kids need and want and that will increase participation.

Jones said the city's first responsibility is to keep the citizens safe, then to have great educational systems and high-quality economic development. He commended the administration for bringing the program to the table. He said he would rather spend money going to the monitor on programs. Young members of ICONS introduced themselves.

Starr said the types of programs Shute-Woodson is bringing to the table benefited him as a youth and he supports the legislation.

Jones ended the meeting.

If you believe anything in these notes is inaccurate, please email us at cleDOCUMENTERS@gmail.com with "Correction Request" in the subject line.