DIVISION OF POLICE

DATE: November 25, 2019

TO: Chief of Police Calvin D. Williams

FROM: Inspector General Christopher Paul Viland, Esq. #3700

SUBJECT: Preliminary Review and Recommendations re: Division Data Collection

Sir,

At your request, I have been assigned to review the "data collected for the Division" and to make any recommendations for additions or changes. This review has included I.G. attendance at multiple quarterly CompStat review/meetings throughout the fourth quarter, conversations with various District Commanders, and, attendance at monthly monitoring team CompStat / data collection meetings. It also included meeting with the Division's Data Collection and Analysis Coordinator, crime analysis staff, and CWRU data team along with parallel reviews of the Division's disciplinary system and the software used to gather much of the data involved, IA Pro©.

As a preliminary matter, it must be noted that data is being collected through various methodologies in the Division including, but not limited to, field based reporting into a records management system, Blue Team reporting of use of force, and disciplinary reporting through IA Pro©, etc. Different types of data are dealt with in this memorandum under various subsection headings.

The Division's use of the IA Pro© software and data is reviewed and recommendations are made via separate memorandum, OIG Work Product No. 19002-S.

CIT / Stop / Search / Community Engagement Data

The Decree requires the Division to collect data on all vehicle stops, investigatory stops, and searches, whether or not they result in an arrest or issuance of a summons or citation[1]. The Division has contracted with a software vendor (Brazos) to create and implement collection and tracking of this data. Since this data is not being collected at the time of this writing, recommendations cannot be fairly made, and the possibility of future assessment is reserved by the Office of Inspector General (OIG). Full implementation and valid data collection for a period of time will be required prior to any audit or review, therefore this matter is considered <u>Deferred</u>.

Similarly, the Division is required to collect data on calls and incidents involving individuals in crisis[2] (CIT) as well as data that monitors officers' outreach to the community[3] (Community Engagement), both of which are similarly part of the Brazos software implementation which has just begun practical testing. Therefore, again, without actual data collection at this time,

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[1] *United States of America v. City of Cleveland*, United States District Court, Northern District of Ohio, Eastern Division, 1:15 CV 01046 Settlement Agreement at ¶260.

[2] *Id.* at ¶157.

[3] *Id.* at ¶33.

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recommendations cannot be fairly made; possible future assessment will be monitored and reserved by the OIG. Full implementation and valid data collection for a period of time will similarly be required prior to any audit or review; the matter is similarly considered Deferred.

Crime Analysis Data / CompStat

Generally, crime data collection has been utilized, when available over the last couple of decades, to identify crime trends and hot spots and to hold police managers accountable for the criminal activity occurring in their area of responsibility, often in the format thought to have originated with the New York City Police Department under Commissioner Bratton that has become known as CompStat. This methodology, however, has fairly recently come into conflict with the basic and core tenets of now expected community-oriented policing under modern scrutiny[4]. CompStat type police administration holds police district commanders to a high level of accountability for the crimes in their neighborhoods, and pushes decision making authority up the chain of command, towards that commander and away from the rank and file. One of the primary philosophical bases of community-oriented policing, though, is to decentralize decision making authority and actually push it down the chain of command towards the individual officers[5]. This is a juxtaposition that remains without a true solution, and CompStat type systems may lead to watering down of any message being sent to individual patrol officers that they must individually be problem solvers and responsible for their patrol areas[6].

Additionally, while accountability in most CompStat type administrations is held primarily at the district commander level, in many, if not most situations, those same district commanders are not given sufficient autonomy to create real solutions and adaptations especially in the areas of resource allocation, geographical boundary modifications, necessary staffing levels, and centralization of specialty investigative units over which they had no authority[7]. [Note: As a result, often CompStat type police administration shifts away from centralized functionally specialized units towards assignment of specialty resources to district commanders utilizing geographically based management.]

A possible positive side effect of CompStat meetings (if held as a group of commanders) can be the inclusion and presentations of the centralized specialty units which increases positive communication and availability to the individual districts[8]; although perhaps more frequently, CompStat exacerbates the feelings of road patrol officers that there is little teamwork and or interplay with specialty units[9].

Currently, Division CompStat meetings are held individually with the District or Unit Commander and staff. Crime statistics are presented by a criminal analyst and use of force statistics (along with EIP and IA statistics) are presented by the Division's Data Collection and Analysis Coordinator (DCAC). Commanders are also required to bring a small number of randomly selected criminal cases for individual review and discussion.

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[4] Willis, J., Mastrofsky, S., and Weisburd, D., CompStat in Practice: An In-depth Analysis of Three Cities, Police Foundation (2003).
[5] See, e.g., Id., at 28.
[6] Id.
[7] Id., at 32.
[8] Id., at 35.
[9] Id., at 42.

Recommendation: Periodically assess geographic district, beat, sector and zone boundaries based upon crime data collection including call volumes.

Recommendation: Allocate centralized resources citywide based on crime data collection.

Recommendation: Allocate resources, especially those that are discretionary including overtime, based on crime data collection.

Recommendation: District Commanders should have a thorough knowledge of their most current crime statistics and come to any routine CompStat meeting prepared to discuss the approaches and tactics that they are <u>already putting into effect</u> in response to statistically significant changes in their area of command. (Statistically significant may, for example, mean any increase of 10% in any crime category). This may be extrapolated, possibly more importantly, to specialized unit commanders to make presentations regarding citywide strategies, deployment, and response resulting from real time statistics. And, perhaps most importantly, any described methodologies of response should include full explanation of the community engagement or community and problem-oriented policing programs (CPOP) and practices being used to impact the known issues.

Recommendation: Any CPOP strategies or practices that show positive effects on crime data should be publicized to the entire Division for possible implementation.

Recommendation: Individual case reviews should be based on a pre-agreed to selection criteria, for example: seriousness of the offense, length of time the case remains open, successful resolution by arrest/indictment, or successful problem oriented policing resolution.

Additional Consideration: Simply reviewing raw crime rate data may not be sufficient in a community and problem oriented policing model to effectively identify underlying contributors to such problems[10].

Recommendation: Additional data sets should be collected, geographically overlaid, and analyzed by the Division, including, as examples: sex offender addresses, parolee addresses, violent offender addresses, liquor establishments, sex related businesses, mental health facilities, group homes or multi-tenant address locations. CPOP Data collected from line level officers and Community Engagement Officers at the Division level should also be considered for geographic overlay.

Early Intervention Program Data

It has been a best practice for decades for a law enforcement agency to establish some sort of early warning system to identify employees who may be in need of agency intervention efforts[11]. And, the Division has recognized and implemented this type of program for many years[12]. Subsequently, the Decree established certain updates and requirements for the Division's program[13], including data usage. [It must be noted that there is a change in terminology driven by the Decree: The past practice of the Division was determined by the General Police Order entitled

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[10] Dasher, Andrew and Haynes, Robert, <u>Overcoming Law Enforcement Data Obstacles</u>, *The Police Chief*, October 2016.

[11] *See, e.g.,* Commission on Accreditation for Law Enforcement Agencies, Inc., <u>Standards for Law Enforcement Agencies 5th Ed.</u>, Standard 35.1.9.

[12] *E.g.,* Cleveland Division of Police, <u>General Police Order 1.1.20</u>, January 19, 2007.

[13] *U.S. v. City of Cleveland, supra,* at ¶¶326-336.

Early Intervention Program (EIP), and the updates and pending replacement policy will be referred to as the Officer Intervention Program (OIP).]

At the time of the preparation of this memorandum, the Division's updated policy remains in the creation / drafting stage of the process. The OIG has reached out to officially participate in this process moving forward. Therefore, any recommendations made herein will be simultaneously provided to those directly involved pursuant to the IG's mandate to review and audit CDP policy. Similarly, some specific recommendations are not currently possible as there is no effective or proposed policy to compare against best practices or the Decree. Policy development will continue; implementation and valid data collection for a period of time will be required prior to any audit or review, therefore this matter is considered <u>Partially Deferred</u>.

Recommendation: Policy in development must be in compliance with paragraphs 326 through 336 of the Decree. It is further recommended that the core accreditation tenets in CALEA standard 35.1.9 be adhered to along with best practices identified in the International Association of Chiefs of Police model policy as soon as the newest version is released.

With regard to the data that has been presented at stakeholder CompStat meetings regarding the EIP, the data suggests the following:

1) Year to date 2019 data shows 23 individual cases.
2) Of those 23, 14 were identified through matching the current designated threshold (not including pending matters).
3) Of those 14, only 2 were determined to be merited by involved command staff.
4) That is a 14% merited rate at the existing threshold.
5) Similar merit determinations were made in both 2017 and 2018; 9% and 10% respectively[14].

Recommendation: The current threshold should be re-evaluated to increase the merited rate of system recommendations. This could be done by re-assessing and re-setting the current thresholds including options such as weighting certain factors heavier or utilizing ratios in place of certain fixed numbers (i.e. use of force/physical arrests versus simple use of force raw data). This could also be done by reviewing the supervisory training and ensuring that valid criteria, methodologies and fact specific data are being used in determinations of merit.

Similarly, statistics show that roughly half the time, in <u>merited</u> cases, the officer involves declines participation. (2017 – 60%, 2018 – 40%, 2019 – 50%).

Recommendation: With valid thresholds and objectively reasonable supervisory merit determinations, officers should not have the option to decline participation, even if that participation is short or minimal based on findings while in the program.
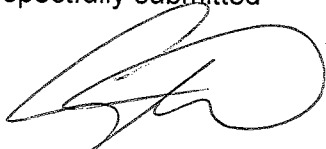
Provision of Data Externally

Since 2015 and the release of the Final Report of the President's Task Force on 21st Century Policing, transparency in law enforcement and the effect it has on accountability and legitimacy have only increased in importance as best practices in policing. In fact, in the executive

summary of the Report, specific reference is made to the release of data to the public to foster cooperation, engage the community, and develop strategies to address and reduce crime[15].

Similarly, the National Police Foundation created the Police Data Initiative to promote the use of open data to encourage joint problem solving, innovation, understanding and accountability between communities and their law enforcement agencies[16]. They recommend and provide processes for agencies to post raw, open data sets in machine readable formats (not just summaries or graphs, etc.) on any number of issues dealing with police activity in the community. Examples of some data sets currently being released by other law enforcement agencies include, but are not limited to: assaults on officers, calls for service, community engagement, complaints, uses of force, officer involved shootings, and workplace demographics.

Recommendation: Support the philosophy of open and transparent law enforcement action leading to legitimacy and accountability by working with municipal IT services, the data collection and analysis unit and other resources to post usable data directly for public consumption and review. Option: Utilize current software vendors in the specific trade area to maximize this type of transparency and communication.

Respectfully submitted

Christopher Paul Viland, Esq.
Inspector General
Cleveland Division of Police
Work Product Number 19005-M

cc: *via email only*:   Deputy Chief J. O'Neill
                       Hon. Gregory White

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[14] November 2019 Stakeholders CompStat powerpoint presentation, Dr. R.Issa, slides 32 & 33.
[15] President's Task Force on 21st Century Policing, Final Report of the President's Task Force on 21st Century Policing, Office of Community Oriented Policing Services, Washington DC (2015).
[16] www.policedatainitiative.org (2017).