

# 2020 Work Plan Office of the Inspector General



CITY OF CLEVELAND  
Mayor Frank G. Jackson





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## 1. Introduction

### a. Establishment of the Office

After full and complete voluntary negotiation between the United States Department of Justice and the City of Cleveland encompassing various operations of the Division of Police (CDP), a settlement agreement was entered into that has been memorialized in a Consent Decree (“Decree”) that went into effect on June 12, 2015<sup>1</sup>. Paragraphs 250 through 256 of that Decree establish the position of the Police Inspector General (IG) of the Cleveland Division of Police.

The Decree specifically enumerates duties of the IG that include the authority to do the following:

- i. Review CDP policies and practices to determine compliance with state and federal law, effectiveness, consistency with principles of bias-free and community policing and procedural justice; whether they promote public and officer safety, and whether they are achieving the goals of the Decree;
- ii. Audit compliance with policies and procedures;
- iii. Conduct investigations;
- iv. Analyze trends;
- v. Develop specific recommendations for reform concerning policies, procedures, practices, training, and equipment to improve police services and accountability;
- vi. Analyze investigations conducted by the Office of Professional Standards (OPS) to determine whether they are timely, complete, thorough, and whether recommended dispositions are supported by the preponderance of the evidence;
- vii. Collect and analyze all sustained findings and the discipline imposed, including the use of mitigating and aggravating factors, to assess disciplinary trends and to determine whether discipline is consistently applied, fair, and based on the nature of the allegation, and;
- viii. Make reports and recommendations for reform publicly available.

The IG also has the authority to conduct investigations, analyze trends, and make reports and recommendations, as appropriate, at the request of the Chief of Police or the Mayor; and, may also receive recommendations for additional inquiries from the Community Police Commission (CPC) through the Chief of Police, the Mayor, or the Director of Public Safety.

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<sup>1</sup> *United States of America v. City of Cleveland*, United States District Court, Northern District of Ohio, Eastern Division, 1:15 CV 01046.



b. Independence in Practice

In order to effectively and successfully meet all the requirements of the Decree and to ensure that the CDP maintains a positive course in prioritizing police reform, the City of Cleveland has established an Office of the Police Inspector General (OIG) that exhibits independence in practice in several ways, including the requirement that the Inspector General not have been a former member of the Division.

The budget for the operations of the office are visible as separate line items in the annual budget of the City in order to provide a transparent method of assurance that the office has sufficient independence and resources to meet the goals of the Decree.

The office has access to all CDP documents, databases and information necessary to perform its established functions pursuant to the Decree.

The Police Inspector General lies outside the chain of command of the CDP, making reports and recommendations directly to the Chief of Police.

c. Appointment of the First Inspector General

After a lengthy search, Mayor Frank G. Jackson, Director of Public Safety Michael McGrath and Police Chief Calvin D. Williams announced the appointment of Christopher Paul Viland as the first Police Inspector General for the Cleveland Division of Police on September 3, 2019. Mr. Viland came to the City of Cleveland with an extensive background in law enforcement, having served most recently as the Chief of Police in Solon, Ohio, the President of the Cuyahoga County Police Chiefs Association, and Commissioner on the Ohio



Organized Crime Investigations Commission appointed by the Governor; as well as necessary legal experience, having obtained his J.D. *summa cum laude* from the Cleveland-Marshall College of Law, practicing as an attorney and serving as a magistrate with the Bedford Municipal Court.

The IG's vision of the office is that of a collaborative advisory body and internal quality control arm of the Division. The vision of the Decree in promoting the public's trust and confidence in the CDP is primary while utilizing the principles of Community and Problem-Oriented Policing and being driven by collected data.



## 2. Primary Functions

In fulfilling the duties proscribed in the Decree, the OIG is required to audit, review, analyze, investigate and make recommendations on various aspects of Division operations and those of the Office of Professional Standards (OPS) as informed by community engagement and partnerships through various types of work product.

### a. Audits and Reviews

Audits are an important tool employed by the OIG and tend towards being highly resource intensive due to the level of detail to meet recognized standards as well as the size and scope of the organization. The Decree identifies an organizational aspect specifically for audit, that being: compliance with policies and procedures. Audits will generally be performed by qualified personnel to Generally Accepted Government Auditing Standards (GAGAS).

Reviews are equally as important in determining compliance as audits, however, are less resource dependent and intensive as not all auditing standards are required for satisfactory completion and reporting. Often this is due to limited time, scope, or resources. The Decree identifies CDP policies and practices as the primary but not sole focus of review.

### b. Policy Work

The OIG is charged with determining compliance with policy and procedure as well as with making recommendations concerning those policies and procedures along with other aspects of CDP operations. Necessarily, the OIG will work closely with CDP personnel, especially in the Policy and Procedures Unit in making recommendations for new policy or modification and amendments to old policy to ensure compliance with the Decree and meeting its overarching goals and aspirations. This type of work encompasses all activities around CDP policy and procedure except audits or reviews of compliance.

### c. Interagency Requests

It is recognized that there are numerous entities working under the auspices of the Decree to accomplish its lofty goals and mission. Some of these including the Community Police Commission and the Office of Professional Standards have specific stakeholder roles as delineated in the Decree. Should these agencies make a request through the Chief of Police, the Director of Public Safety, or the Mayor for action by the OIG, the OIG will make every attempt to assess and advise whether, in the opinion of the OIG, the project should be accepted, declined, or deferred. Deferral is reserved for those requests wherein the topic is appropriate for OIG oversight but circumstances prevent immediate action (i.e. lack of collected data, constraints on OIG resources, timeliness, etc.).



d. Office of Professional Standards Review

The Decree provides the IG with specific authority to analyze investigations conducted by the OPS to determine whether they are timely, complete, thorough, and whether recommended dispositions are supported by the preponderance of the evidence.

e. Annual Work Plan

The OIG will create an annual Work Plan submitted to the Chief of the Division by January 15 of each calendar year which will identify topics which the OIG intends to devote staff and resources to during the year. This Work Plan may be modified at various times during each year to accommodate unforeseen circumstances, emergent issues, budget and staffing constraints, and reconfiguring and balancing of priorities over time. The Work Plan will take into account any information provided by stakeholders, especially through the office of the Mayor, Director of Public Safety, or Chief of Police. The Work Plan will also present summaries of activities completed or pending from prior years' work.

3. Work Product Prioritization

a. Risk Assessment Methodology

The OIG has a limited staff and amount of resources. The OIG will use its limited resources to achieve the greatest return to the City and the Division by utilizing prioritization methods. The OIG will assess scheduled or requested work product for prioritization using a risk matrix methodology wherein severity of impact and likelihood of event are the driving factors in determining risk. Prioritization will be assessed and informed by the OIG using the risk assessment matrix below:

		Impact →				
		Negligible	Minor	Moderate	Significant	Severe
Likelihood ↑	Very Likely	Low Med	Medium	Med Hi	High	High
	Likely	Low	Low Med	Medium	Med Hi	High
	Possible	Low	Low Med	Medium	Med Hi	Med Hi
	Unlikely	Low	Low Med	Low Med	Medium	Med Hi
	Very Unlikely	Low	Low	Low Med	Medium	Medium



Additionally, the following considerations will become part of the prioritization process:

- i. Organizational vulnerability to fraud, other crimes, waste, abuse or mismanagement.
- ii. The needs and priorities of the CDP, the Department of Public Safety and the City of Cleveland.
- iii. The benefits likely to accrue from OIG work, including improvement in internal controls; improvement in economy, efficiency and effectiveness; detection and prevention of fraud, waste, abuse and mismanagement; and cost recovery.
- iv. Cost effectiveness, or the cost benefit analysis of the anticipated work.
- v. Possibility of alternative OIG actions, for example, systemic review vs. individually identified problem review.

#### 4. Review of 2019 / Current Status

##### a. Expectations of the Monitoring Team and Decree

- i. The Court Approved Fourth Year Monitoring Plan set forth a goal of hiring an Inspector General after candidate review by June 30, 2019<sup>2</sup>. And, while that timeline was not met specifically, a candidate was identified and hired as of September 3, 2019 (*Appendix I*).
- ii. Additionally, the Fourth Year Plan set forth a goal of submitting a proposed annual budget for the OIG for the 2020 budget year to the monitoring team and the Department of Justice by November 1, 2019<sup>3</sup>. That goal was met to expectations.

##### b. Launching the Office

The Division has provided physical office space on the 6<sup>th</sup> floor of the headquarters building, not only for the IG individually, but also for future staff as they are brought into the office. Upgrading locks and security, installation of phones and computer network equipment, installation of printing and scanning capabilities, arrangements for vehicle transportation,

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<sup>2</sup> Cleveland Police Monitoring Team, Fourth Year Monitoring Plan (3-14-19), *US v. City of Cleveland*, US District Court, N.D. Ohio, Case No. 1:15-CV-01046 at item 137.

<sup>3</sup> *Id.* at item 138.



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Christopher Paul Viland, Esq.

and first purchases of office furniture began by the fourth quarter of 2019. The office was also provided access to the International Association of Chiefs of Police online database for research and policy development purposes.

The new IG successfully completed all City required mandatory new hire compliance trainings as well as obtaining clearances and access to various CDP facilities, data, and software systems.

And, most importantly, the IG created and drafted the Manual of Duties and Authorities for the Office of the Inspector General, setting up the best practices and procedures for all personnel assigned to or detailed to the office as it moves into the future.

### c. Extended Familiarization with CDP Systems and Decree Related Concerns

In order to expedite understanding of internal systems, goals and expectations of the Decree and its effects, and the concerns of other stakeholders, during the 4<sup>th</sup> quarter of 2019, the new IG completed the following action items:

- i. Participated in ride-alongs with patrol officers and supervisors in various Districts in the Division as well as introductions at various district roll calls.
- ii. Met individually with District Commanders and others in the command staff to inform the establishment of the office, build relationships and exchange information.
- iii. Attended various Division training sessions which presented information and policies updated through conditions in the Decree.
- iv. Met with the entire staff of the Office of Professional Standards by way of introduction in order to initiate working relationships and prepare for future interactions and oversight.
- vi. Participated in bi-weekly City compliance team meetings to learn all aspects of ongoing Decree compliance and begin assuming responsibility for IG related issues.
- vii. Participated in monthly monitoring team meetings, including members of the D.O.J. to begin relationship building and become aware of stakeholder expectations.
- viii. Met with crime analysis unit, the Data Collections and Analysis Coordinator and members of the CWRU data team for in-depth introduction into the current software and data usage for the Division.
- ix. Began regular attendance at disciplinary hearings held in both the Chief's Office as well as the office of the Director of Public Safety. Initiated





relationships with the Case Prep Unit to learn as much as possible about the Division's disciplinary processes.

- x. Met representatives of the CPPA, Black Shield Police Association, and the Hispanic Police Officers' Association by way of initial introduction and informing of the office.
- xi. Regularly attended Division command staff meetings.
- xii. Met with representatives of the City Finance Department to learn general budget and purchasing procedures.
- xiii. Met with the City Secretary of Civil Service Commission to learn general hiring practices and plan for onboarding of staff in 2020.
- xiv. Reviewed the entirety of the current Division General Police Orders to begin familiarization with the current state of policy and procedure.
- xv. Initiated working relationship with the Internal Affairs Unit, especially as regards to developing Decree compliant policy and procedures.
- xvi. Began working with the Division's Bureau of Compliance, Inspections Unit and Policy and Procedures Unit regarding policy and compliance issues.

#### d. Establishing Partnerships and Liaisons

As part of informing stakeholders of the new office and initiating best practices and procedures, the IG contacted and / or met with the following persons, entities, or organizations:

- i. Became a member of the National Association for Civilian Oversight of Law Enforcement (NACOLE).
- ii. Became a member of the national Association of Inspectors General.
- iii. Met with the staff of the Cuyahoga County Inspector General's Office by way of initial introduction and informing of the office.
- iv. Met with City department of Internal Audit to inform of the establishment of the office and begin liaison and relationship building.
- v. Exchanged information and / or did a thorough review of published work of analogous offices established through the action of the USDOJ, including, but not limited to the Seattle Office of Inspector General and the Office of Inspector General Los Angeles Police Commission.



- vi. Met with the members and the Executive Director of the Community Police Commission to inform of the office and establish a working relationship regarding policy issues.
  - vii. Met with and observed the Civilian Police Review Board (CPRB) during scheduled hearings to inform of the office and become more aware of the disciplinary processes involved.
- e. First Reviews and Work Product

In addition to the drafting of the office's Manual of Duties and Authorities, the IG was tasked by the Chief of Police with requests for recommendations in four specific areas of operations that would help the Division improve but also inform and familiarize the IG with as many aspects of administrative processes as possible during the last quarter of 2019. Those reviews were:

- i. Review of the IA Pro software in use by the Division and recommendations for improvement.
- ii. Review of disciplinary processes and timeframes for disciplinary hearings and recommendations for improvement.
- iii. Review of the Three Year Training Plan for the Division and recommendations for improvement.
- iv. Review of data collection by the Division and recommendations for improvement.

Formal recommendation memoranda regarding all four reviews have been provided to the Chief of Police.

## **5. Moving Into 2020**

The following goals, concerns, and projects have been assessed and accepted for completion in 2020 (subject to update and / or amendment).

a. Continuing Liaison

The access granted to the IG and members of the office to individual Division employees, units, commands, equipment, data and stakeholders provides an incomparable and unique opportunity to become aware of concerns or issues; and, it is the plan of the OIG to continue to foster all of those relationships and to note and address those concerns and issues as they arise and as appropriate.



b. Planned Reviews

The following formal reviews will take place during fiscal year 2020:

- i. Pursuant to the Decree’s mandate to “analyze investigations conducted by OPS to determine whether they are timely, complete, thorough, and whether recommended dispositions are supported by the preponderance of the evidence<sup>4</sup>”, the OIG will review and assess OPS case timelines and methodologies and make any necessary recommendations to ensure that the overarching philosophies and goals of the Decree are achieved. This review will include indicating opportunities for systemic improvement and trust between the OPS and the Division.
- ii. Also pursuant to the Decree, the OIG will “collect and analyze all sustained findings and the discipline imposed, including the use of mitigating and aggravating factors, to assess disciplinary trends and to determine whether discipline is consistently applied, fair and based on the nature of the allegation<sup>5</sup>”. This review will begin with assessment of the Division’s capabilities to provide valid data on such discipline from current software and progress as such data is available. [NOTE: This review will be conducted in such a manner as to be non-duplicative of the efforts of the Monitoring Team and their assessments of discipline in 2020. Therefore, this review may be limited, may consist solely of a gap analysis and fill in review, or may occur in concert with Monitoring Team efforts.]
- iii. In the context of local media coverage of activists alleging that police officers at another Northeast Ohio agency had not completed state required update training and were therefore acting without authorization; impersonating police<sup>6</sup>, the OIG will conduct a review of Division records documenting the Continuing Professional Training (CPT) hours required by the Ohio Peace Officer Training Commission and all other documentation required to maintain state certification of Division officers.
- iv. The CDP must provide firearms to each individual sworn officer as well as maintaining an inventory for training, replacement, specialized units or services. The Division is responsible for the procurement, recording, storage, dispensing, tracking and disposition of all firearms in such inventory. Such processes are critical to the

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<sup>4</sup> *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 ¶253(f).

<sup>5</sup> *Id.* at ¶253(g).

<sup>6</sup> *See, e.g., Cuyahoga County Court of Common Pleas Case No. SD-18-077858 Mariah Crenshaw v. Affidavit Statement Having Knowledge of etc.*



mission of the CDP and the safety of employees and citizens. Therefore, the OIG will work in concert with the City Department of Internal Audit and the Ordnance Unit to review inventory and tracking procedures for Division owned firearms to ensure that proper controls and procedures are in effect and to make such recommendations as appropriate to the findings.

- v. In November, 2017, an amendment to the Ohio Constitution was passed, known colloquially as Marsy's Law. This amendment enacted a re-written Article I, Section 10a dealing with Victim's Rights. The OIG intends to work in concert with the Division to ensure that all policy and procedure is in compliance with applicable Marsy's Law provisions as well as the victim's rights ordinances<sup>7</sup> in the Ohio Revised Code that apply to law enforcement agencies.

c. Special Projects

The following additional projects will take place during 2020 to effectively operate a fully functional office:

- i. Staffing: The IG expects to onboard staff, especially with audit or policy analysis backgrounds, to assist in the assessment of the efficacy of data usage and discipline, and the compliance with Decree related policy and procedure in daily operations.
- ii. Policy Work: In 2020, the OIG plans to formalize the participation of the office into the daily policy and procedure processes of the Division so as to recommend, review and assess compliance pursuant to the Decree<sup>8</sup>. Consistent field work and liaison with individual neighborhood district beats and specialized units will continue with purpose to obtain feedback and observation of policy and compliance related issues. Where possible the OIG will assist the Division's Policy Unit with process improvement recommendations to ensure that all Division members have immediate access to necessary policy documents.
- iii. Web Presence: It is the intention of the IG to work with the Division and the IT department of the City to effectively initiate a web presence for the OIG on the City's website.

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<sup>7</sup> See, e.g., Ohio Revised Code §§2930.04-5; Ohio Revised Code §109.42.

<sup>8</sup> *Id.* at ¶253(a) and (b).



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- iv. Training: In order to better professionalize the office, the OIG plans to have staff obtain certification as either a Certified Inspector General or a Certified Inspector General Auditor, Investigator, or Inspector/Evaluator through the Association of Inspectors General certification programs in 2020. As staffing, budget and timing permit, other educational opportunities will be sought throughout the year for all OIG staff.

### 6. Conclusion

Establishment of a new position and office has been challenging especially in light of the fact that the majority of Decree related impact on Division operations has been ongoing for the last four years. That being said, the support of all levels of the Division and the other stakeholders in civilian participation has made the process smoother. As 2020 will bring implementation of a number of new policies into practice, including, but not limited to: Internal Affairs (Manual and Policy), Force Review Board Policy, Force Investigation Team (Manual and Policy), Public Complaint Policy, and Internal Complaint Policy, the OIG plans to continue to observe and assess any applicable aspect of operations so as to better the transparency and efficiency of the Division with a primary goal of protecting the safety of the officers who put their lives on the line every day and the citizens they have been appointed the guardians of.

It has been a singularly distinctive honor to have been selected to serve, and it is with respect that I submit this annual Work Plan.

Christopher Paul Viland, Esq. #3700  
Inspector General  
Cleveland Division of Police



## **7. APPENDIX I: Divisional Notice 19-289**

DATE: SEPTEMBER 12, 2019

NUMBER:

19-289

SUBJECT: POLICE INSPECTOR GENERAL

CHIEF: Calvin D. Williams, Chief

PAGE(S):

1 of 1

The Cleveland Division of Police hired its first Police Inspector General (IG). This position is filled by former Solon Police Chief Christopher P. Viland, Esq.

The IG's job duties include reviewing, auditing, and analyzing many aspects of the Division such as policies and practices, training, equipment, discipline, OPS complaints, and other duties as described in the Settlement Agreement, ¶253. The IG will provide recommendations and create reports for improvement in these areas. The IG reports directly to the Chief of Police.



**8. APPENDIX II: 2019 OIG Work Product**

<b>Work Product</b>		<b>Date Issued</b>
19001-S	OIG Manual of Duties and Authorities	12/01/2019
19002-S	Review IA Pro Software and Data Usage	12/01/2019
19003-M	Review Division Discipline Process	Pending
19004-M	Review Division 3 Year Training Plan	11/15/2019
19005-M	Review Division Data Collection and Usage	12/01/2019
19006-M	Log Entry for Anonymous Complaint	Referred to Internal Affairs 09/07/2019
19007-S	2020 Work Plan	01/15/2020