



To: Calvin Williams, Chief of Police  
From: Robert Simon, Captain, Bureau of Compliance  
Re: Responses to the Cleveland Community Policing Committee Accountability Work Group Report  
Date: December 9, 2019

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The following represents the Cleveland Division of Police (CDP) responses to the CCPC Summary of Accountability Report Recommendations Pertaining to CDP, dated October 11, 2019.

Background:

In May, 2015, the City of Cleveland entered into an agreement with the United States Department of Justice (DOJ) after completion of an investigation into the Cleveland Division of Police policies and practices. As part of the agreement, the Cleveland Community Police Commission (CPC) was established to leverage the experience and the expertise of the people of Cleveland in facilitating ongoing communication between CDP and the many Cleveland communities it serves. The CPC is composed of members who represent the many and diverse communities of Cleveland to assist CDP to operate in a manner consistent with cooperative community understanding and engagement, promoting public trust and confidence in how CDP operates within the community.

“Change” of any organization requires time and effort on the part of a dedicated group of people. CDP is dedicated to acknowledging the past and moving forward, while listening to the voices of the community, to make changes that build community trust in CDP. Collaboration with the CPC to affect the improvement of CDP operations and communication with the community served by CDP is a part of that work. CDP’s work with the CPC has begun the process of improvement, a first step, through the input of the community in the development of new policies and training for members of CDP. Nevertheless, improvement is always the goal, so CDP will continue to move forward, taking more steps, to build on the current improvements by collaborating with the CPC and other non-law enforcement stakeholders, such as the ADAMHS Board and District Policing Committees, as CDP further develops, implements, and assesses improvements to how CDP serves the community with the goal of building the community’s trust.

Hiring/Recruitment

CDP has made great strides to improve how it recruits and hires future officers for the Division. CDP is part of the Department of Public Safety that includes the Division of Fire (CDF) and the Division of Emergency Medical Services (EMS). It also includes the Public Safety Recruitment Team (PSRT) which consists of a CDP Sergeant and members from CDF and EMS which receive training specific to recruiting from a diverse group of potential candidates including specific strategies for recruiting youth. The PSRT completed developing a “strategic recruitment plan that includes clear goals, objectives and action steps for attracting qualified applicants from a broad cross-section of the community.” The PSRT speaks of “qualified applicants” referring to individuals who have not only the basic requirements, but

also embody character traits such as self-regulation, motivation, empathy and social skills. To find the candidates that possess these qualities the PSRT has begun using a police entrance exam that identifies nine different dimensions of candidates including the ability to think critically, which has been shown to reduce bias and promotes better problem solving. The PSRT also added additional behavioral assessment tools to the psychological screening to better determine how applicants will perform on the job. Finally, a Hiring Process Review Committee has been established to continually upgrade CDP's hiring practices to employ best practices.

The CPC made recommendations regarding CDP's hiring process and completion of candidate background investigations, many of which are already a part of CDP's background investigations such as questions about expungements/sealed records, prior residences, criminal histories and past law enforcement employment. The hiring process is the subject of continued improvement as part of the Hiring Process Review Committee aspect of the PSRT.

### Training

CDP agrees that, as noted by the CPC, training is a critical aspect to proper and effective policing. As a critical aspect of CDP performance in the community the Division's Training Section has taken steps to continually improve the training CDP officers receive. The Training Section has delivered training is evaluated by each of the officers that have attended the training, by members of the Monitoring Team and DOJ, as well as some members of the CPC. Beyond that the training that has been provided is the result of working with subject matter experts from outside of the CDP (various social services organizations, City Prosecutors office) as well as CDP OPOTA certified specialists in particular subject areas. The CDP Training Section will also be attending training in the near future to increase their expertise in adult learning concepts.

Other recommendations noted by the CPC are currently a part of CDP training such as recruit training reinforced by a standardized Field Training Program with competency evaluations and training that is instructed or co- instructed by subject matter experts.

As recommended by the CPC, CDP has also undertaken the development of additional training specifically for Division supervisors that will take place in 2020. The two day training will cover topics such as leadership and investigating use of force. Supervisors already receive one week of training upon being promoted.

CDP will continue to provide the best training available to its officers and new recruits and will seek the input of the community and the officers responsible for applying the training everyday through the Training Review Committee that includes members of the Training Section, members of the CPC, and officers assigned to the five police districts.

### Bias-Free Policing

In CDP's efforts to provide effective and useful training to its officers, the Training Section has included training of Bias – Free policing during the last two years of Continuing Professional Training (CPT). This training included a 4 hour block of training concerning implicit bias and concepts of procedural justice. The training was designed to engage officers and encourage self-reflection by officers through class exercises, question and answer, and reviewing real world scenarios. The training of Bias-Free Policing is an annual CPT requirement and as with all of the training being provided by the Training Section, current training will continue to be evaluated by the stakeholders of the settlement agreement for

improvement and CDP will engage the Training Review Committee, with voices from the CPC and members of the Division, to ensure we are receiving community recommendations to provide the best training available to our officers.

### District Awareness Training

The District Awareness Training has been in development, spearheaded by the CDP Bureau of Community Relations and the Community Engagement Officers (CEO) in each of the five police districts. While the details of the training are still being worked out with the help of community members through the CEOs, CDP has been improving officer's knowledge of the diverse communities in Cleveland through Community Engagement Days for new police officers. The recommendations of the CPC will be considered as CDP continues development of the District Awareness Training with the stakeholders to the agreement.

### Use of Force

The Use of Force policies of the CDP were revised and effective, January 1, 2018, in order to provide more clarity to officers as to when and how to use force. After a year of training on, applying the policies and assessing them through data analysis and input from the Training Section and officers using the policies, revisions to the policies were made and effective in 2019. The policies, supported by training, provide officers with the clarity in applying force recommended by the CPC report and clarity that reduces officer's anxiety. As noted change and improvement are not quick or immediate, the specific recommendations of the CPC in their report concerning further support for officers using force are, in fact, some of the "next steps" envisioned by CDP. The previous section addressing training denoted that CDP has supervisor specific training planned for 2020 that will include understanding how to review/investigate officer uses of force, in which accountability and discipline are covered. As part of the continuing improvements CDP has undertaken, steps have been taken to address officer wellness and stress through sessions that include mindfulness, yoga and stress reduction through personal wellness and exercise. CDP is also utilizing the Employee Assistance Unit to revise and update the Division's Officer Intervention Program to include current best practices.

### Culture

CDP is in agreement with the CPC's report that significant efforts have been made to improve community relations and those efforts will continue through the CDP's work with the CPC and through other outreach to the community (barbershop talks, etc.). While our perspectives in specific instances may differ, CDP and its leadership are committed to continued efforts to build community trust and policing with community views in mind. As to the specific recommendations from the CPC report, I will commit to continued attendance at CPC meetings and events as a conduit to CDP and would encourage the CPC to continue to extend invitations to the members of City Council to attend their meetings. The values of CDP, that we shall carry out our duties with a reverence for human life and in partnership with members of the community through professionalism, respect, integrity, dedication and excellence, are regularly reinforced by the Chief and in all of CDP's training.

### Mental Wellness

As discussed in the CPC's report and the Use of Force heading above, the CDP has begun working on several enhancements to address officer stress and wellness (peer support phone program) and is revising and updating the Division's Officer Intervention Program. Noting the specific recommendations from the

CPC report, getting officers comfortable with available services will be important as improvements move forward. Also, CDP already schedules officers to meet with the Division Stress Consultant and with an outside mental health physician after certain critical incidents. The Division also does a critical incident debrief with the critical incident stress management team that involves outside agencies.

### Discretion and Use of Force

The CPC's recommendations regarding discretion relating to use of force lacks an understanding of how discretion is used in law enforcement and how it relates to use of force. An officer may use their discretion in deciding how to handle a situation that may lead to a use of force, as no situation is the same as another situation, by attempting different de-escalation strategies based on the situation. However, once the decision to use force is made, discretion no longer plays a part in the use of force. Discretion in law enforcement more commonly refers to decisions regarding diversion in lieu of an arrest or citation. The CPC is correct that the proper understanding and application of discretion requires exposure, experience and education. Officers graduating the Police Academy are assigned to a six month probationary period in the Field Officer Training Program described earlier, after which as in any profession they learn from their senior officers and supervisors.

### Professionalism

CDP has as its values a reverence for human life and a partnership with members of the community through professionalism, respect, integrity, dedication and excellence. As the CPC acknowledged choosing to serve your community as a police officer is one of the most difficult professions. The CDP has worked diligently to improve how we recruit, vet, hire and train individuals who have chosen to be police officers as has been documented earlier in this memo. CDP has also made improvements to how we handle identifying and investigating officer misconduct. Beginning with the hiring of a civilian Internal Affairs Superintendent, CDP has updated how investigations of misconduct will be investigated through the Internal Affairs Unit, the civilian Office of Professional Standards and even at the supervisory level. The improvements were undertaken with the community's interest in developing trust that misconduct will be identified and fully investigated. As recommended by the CPC, the CDP Disciplinary Guidance has been updated and vetted by the stakeholders to ensure the accountability of officers and includes "Conduct Unbecoming".

### Collective Bargaining Agreements

CDP has recently concluded negotiations with the unions that represent the officers and supervisors of the Division in which sustained disciplinary findings will remain in an officer's file for 3 years, an increase from the previous collective bargaining agreements. The settlement agreement rightly states that the CDP will "work with" the unions as that is how the resolution of any contract is accomplished, a process that involves compromise. The CPC identifies the new contracts do not include a 10 year inclusion of findings in officer's files, however sustained discipline will remain in an officer's file longer than it did under previous collective bargaining agreements.

### Collaborating with the CPC

CDP is, as it has been, committed to collaboration with the CPC. CDP continues to seek improvement in relations and work to make continued improvements in how CDP relates to the community and increase the community's trust in CDP.

## Conclusion

CDP has dedicated itself to policing with community input. Any input, or how a community member feels about how CDP is doing its job is valuable. CDP has taken steps, both working with the CPC and reaching out to the community directly, to include the community in the improvements CDP is undertaking. From barbershop talks, to community District Policing meetings and CPC meetings or focus groups concerning specific policies, CDP wants and values the community's input. The CPC and the CDP can agree that we are reliant on the community to achieve our goals.

CC: Joellen O'Neill, Deputy Chief  
Brian Carney, Commander  
Judge Gregory White