OFFICE OF PROFESSIONAL STANDARDS

CIVILIAN POLICE REVIEW BOARD

2021 Annual Report

Cleveland, Ohio

CITY OF CLEVELAND

Mayor Justin M. Bibb

Henry Roney, Interim Administrator
Office of Professional Standards

Michael P. Hess, Chair
Civilian Police Review Board

Office of Professional Standards &
Civilian Police Review Board
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Notice

In November 2021, the city of Cleveland voters passed Issue 24, a citizen initiative that was placed on the ballot to amend the City's charter that pertains to ongoing police reform in Cleveland.

In passing Issue 24, the voters approved amendments to existing City Charter Sections 115-1 through 115-4, which govern the Police Review Board (PRB) and Office of Professional Standards (OPS), and also adopted two new Charter provisions: Section 115-5, which establishes a Charter-based Community Police Commission ("Commission"), and Charter Section 119-1, which addresses police discipline."

The processes described in this report are anticipated to change significantly upon the implementation of the new Charter Provisions in 2022. As such, the processes described herein are now historical in nature and included in this report to explain how cases investigated and adjudicated in 2021 were processed and handled by the OPS and the PRB.

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Message from the OPS Interim Administrator

Citizen complaints reported to the Office of Professional Standards (OPS) have consistently increased over the past three years. OPS received 220 complaints for the calendar year 2019, 276 in 2020 and 324 in 2021, respectively. Currently, OPS is projecting the upward shift in citizen complaints to continue. OPS believes the trend is attributed to the community becoming more aware of OPS and the service that it provides. The OPS Community Engagement Coordinator, in conjunction with the city of Cleveland, is aggressively implementing an outreach program to ensure more citizens become familiar with OPS and its mission.

With OPS assuming an ever increasing investigative responsibility, it is imperative that its staff vacancies be addressed immediately. Presently, important senior leadership positions are unoccupied, to include the Administrator and the General Manager. Additionally, OPS is expected to lose one to two investigators over the course of this year to standard attrition. It is important that OPS has its full complement of staff members to successfully conduct the OPS mission.

Staffing priorities are paramount because the primary goal of OPS is to better serve the citizens of Cleveland. Understaffed, OPS completed 84% of its investigations between 90 – 120 days in calendar year 2021. The objective is to reduce those completion days to 60 – 90. Additionally, OPS seeks to regularly improve its investigative product so that it continues to be responsive to the needs and expectations of the Civilian Police Review Board (CPRB).

Hurdles remain for OPS to become a fully staffed and proficient investigative and oversight agency but OPS is diligently working and striving to accomplish this goal. OPS is currently undertaking the important task of reducing an identified backlog of its active investigations. At this time, 18.23% of the OPS current, ongoing investigations are over a year old. This is without a doubt a concern and a priority for OPS. With additional training and an increase in investigative personnel, OPS will aggressively work to eliminate this deficiency and to prevent it from occurring in the future.

Key objectives moving forward include improving the quality and timeliness of the OPS investigative product, specifically, eliminating the active investigations that are over one year old. Also, in conjunction with the Cleveland Division of Police (CDP), create a process that addresses timeliness goals for each stage of the investigative and adjudication process for community complaints against CDP officers and employees. Additionally, continue to ensure our responsiveness to the CPRB and to broaden the awareness of the OPS mission and service that we provide to the diverse communities of the city Cleveland.

Sincerely,

Henry Roney, Interim Administrator
Office of Professional Standards

Message from the CPRB Chair

In 2021, the Cleveland Police Review Board remained dedicated to its purpose of providing a fair and impartial venue for reviewing citizens' allegations of misconduct against employees of the Cleveland Division of Police. The Board heard 115 cases in 2021, slightly up from 2020. The public presentation of investigations by the Office of Professional Standards ("OPS"), and the many thoughtful discussions among our fellow board members that followed, lend transparency toward the process of adjudicating alleged police misconduct at a time when the issue is increasingly at the forefront of public consciousness.

In June of 2021, the Board was saddened by the passing of Mr. Ernest Turner, who had served as a board member since 2017. Ernest and his contributions to the Board continue to be greatly missed, and the Board offers condolences to his family.

We want to extend our thanks to our fellow board members. The work required of them is not always apparent, but they spend hours of their free time each month thoroughly reviewing the investigations presented to us by OPS. We owe a special debt of gratitude to outgoing Chair Michael Graham, whose steady leadership allowed the CPRB to clear a huge backlog of cases. We would like to thank the OPS investigators, who are doing an outstanding job of presenting comprehensive reviews of complaints. Special thanks are also due to Henry Roney, who is serving as the Interim Administrator at OPS and is working hard to keep it functioning at a high level during this transitional period. Also, we would like to express our gratitude to LeeAnn Hanlon, CPRB's Secretary, who works tirelessly to provide the information necessary for our board members to be well-prepared for meetings.

2022 is proving to be an exciting time to be a Clevelander. The City is energized by continued development as the pandemic wanes. The passage of Issue 24 represents an opportunity for the CPRB to work more closely with organizations such as the Community Police Commission. We also look forward to working with Mayor Justin Bibb, who has expressed that police oversight will be a priority. We look forward to returning to in-person meetings held in City Hall. With change comes new responsibility and challenges, but the Board looks forward to tackling these challenges with enthusiasm and dedication to our core mission, and the mission of strengthening confidence, and accountability between members of Cleveland's communities and the Division of Police.

Sincerely,

Michael P. Hess, Chair
Civilian Police Review Board

David Gatian, *Vice-Chairman*
Civilian Police Review Board

OPS and CPRB Overview

PURPOSE

To ensure constitutional, lawful, accountable, effective, and respectful policing and to promote public safety, there must be trust between police and the community they serve. For that reason, the City established the Office of Professional Standards ("OPS") via Charter Amendment, Sections 115-1 through 115-4, effective August 8, 2008.

OPS is an independent agency within the City of Cleveland Department of Public Safety. It has the responsibility of receiving and investigating non-criminal complaints filed by members of the public against sworn and non-sworn Cleveland Division of Police employees. OPS is also empowered to make findings and recommend action to the Civilian Police Review Board ("CPRB") regarding those complaints.

The CPRB reviews misconduct complaints investigated by OPS and makes recommendations for resolution to the Chief of Police. Prior to recommending discipline or determining that a complaint warrants no action, the CPRB may hold a public hearing. Upon making its decision, the CPRB submits its findings and recommendations to the Chief of Police and notifies the complainant of the disposition.

MISSION

The mission of OPS and CPRB is to increase accountability and improve public confidence in the police by receiving and fairly, thoroughly, objectively, and timely investigating and resolving misconduct complaints against Cleveland Division of Police employees. As part of its mission, OPS is also empowered to make policy recommendations that will improve the citizen complaint process, increase understanding between the public and CDP employees, reduce the incidence of misconduct and reduce the risk of the use of force by CDP officers. OPS and CPRB are committed to providing the community with an accessible and safe environment in which to file complaints and have their complaints heard.

VISION

Through effective community engagement and informational outreach, OPS seeks to grow civilian oversight's permanent presence within the Cleveland community and in the ongoing citywide conversation.

Our Guiding Principles

The responsibility entrusted by the people of the City of Cleveland to OPS and CPRB is a sacred public trust

The mission of the Office of Professional Standards is to investigate complaints against Cleveland Division of Police personnel in a complete, fair and impartial manner, and present completed investigations to the Civilian Police Review Board for a hearing and disposition

1. We treat all people with courtesy, consideration, dignity, and respect.
2. We strive to maintain good working relationships with the community and with other agencies without compromising our independence.
3. We work to complete investigations without undue delay.
4. We strive to be fair and consistent, explaining our decisions clearly with plain language.
5. We remain committed to our mission and maintain our dedication to these guiding principles despite any challenges that may arise.

OPS: Budget and Staff

The 2021 budget for the Office of Professional Standards (OPS) was $1,502,165[1]. Funds were allocated as follows (*Figure 1*):

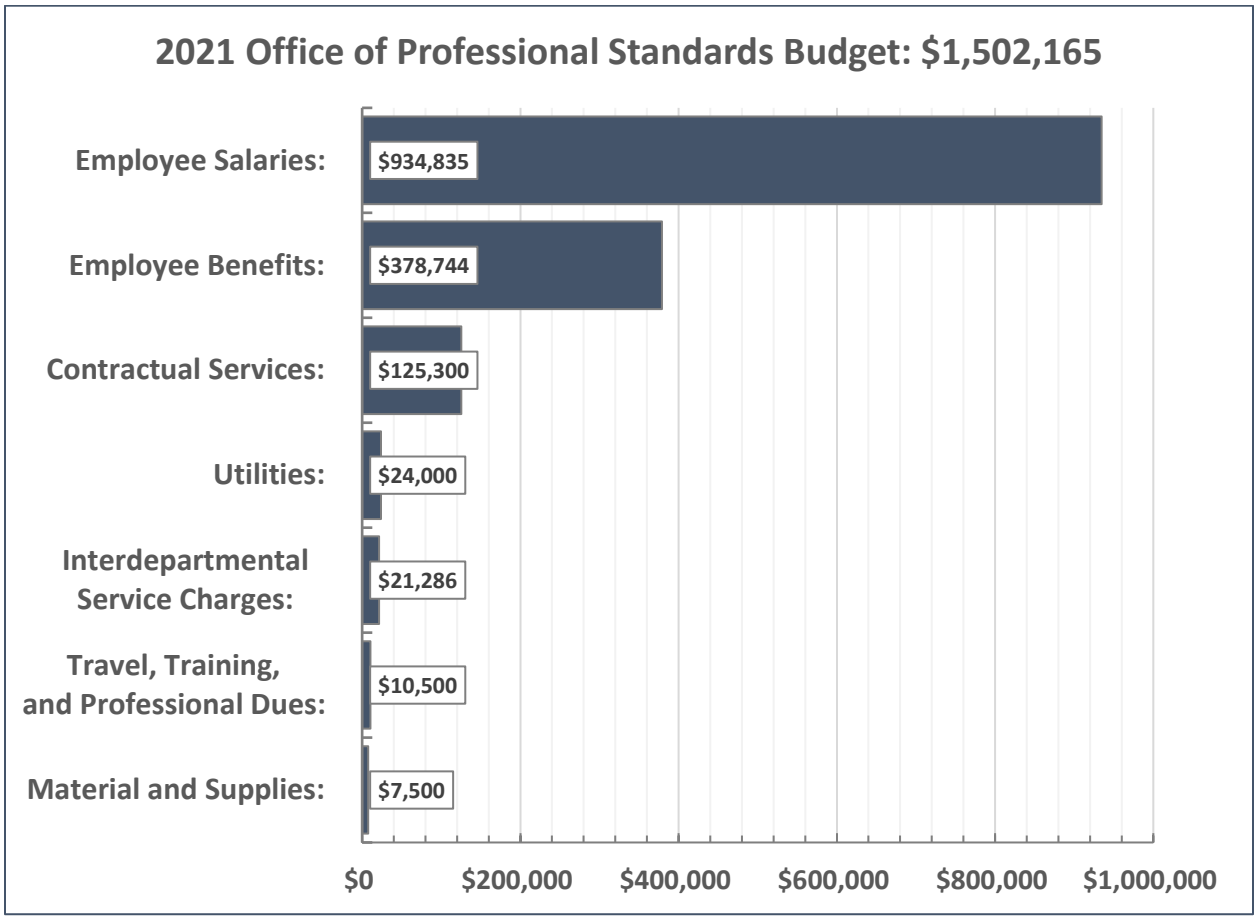

***Figure 1**: Office of Professional Standards Budget in 2021*

At the end of 2021, the Office of Professional Standards had a 15-member staff: A Supervisory Investigator who was also acting as an Administrator, a Research Analyst, a Private Secretary, 9 full-time Investigators, and 2 part-time Investigators.

During 2021, two members of OPS resigned: Ms. Shayla Davis, Community Engagement Coordinator, resigned in September, and Mr. Roger Smith, Administrator, resigned in November.

[1] To see how the 2021 OPS budget and staffing level compare to previous years, please visit the City of Cleveland 2021 Budget Book, pp. 289-292:
https://www.clevelandohio.gov/sites/default/files/forms_publications/2021BudgetBook.pdf

CPRB: Budget and Membership

The 2021 budget for the Civilian Police Review Board (CPRB) was $172,879[2]. Funds were allocated as follows (*Figure 2*):

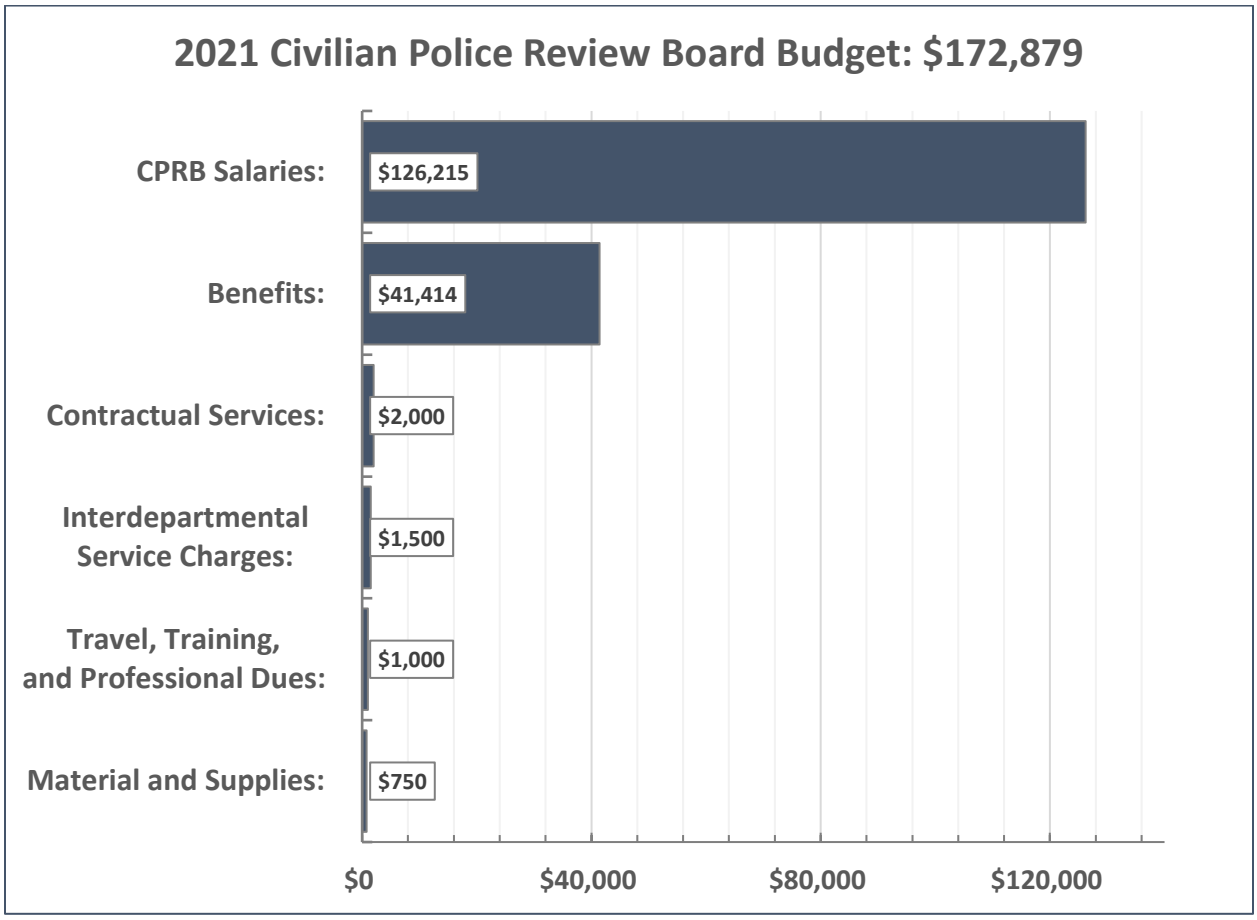

***Figure 2**: Civilian Police Review Board Budget in 2021*

The CPRB is typically comprised of 9 members. The Mayor appoints five members, and the City Council appoints the remaining four members. In an effort to be representative of all of Cleveland's diverse communities, each of the police districts is represented by at least one member who resides in that district. Additionally, at least one member of the Board is between the ages of 18 and 30 at the time of appointment.

[2] To see how the 2021 CPRB budget and staffing level compare to previous years, please visit the City of Cleveland 2021 Budget Book, pp. 293-295: https://www.clevelandohio.gov/sites/default/files/forms_publications/2021BudgetBook.pdf

As required by the Charter of Cleveland, no member of the Board is employed currently as a law enforcement officer and no member is a current or former employee of the Cleveland Division of Police. The CPRB has a full-time employee, a Private Secretary, to handle the administrative duties of the Board.

Biographies of CPRB Members

Michael P. Hess, Chair
Michael P. Hess, Jr., was appointed to fill the board seat set aside for an 18 to 30-year old. A graduate of Case Western Reserve School of Law, Mr. Hess is currently working as a real estate attorney for a company located in downtown Cleveland. Mr. Hess has worked on political campaigns, and has been a legal intern and a legal assistant at several firms including the Cuyahoga County Department of Law. Mr. Hess was appointed by the City Council to fill an unfilled position that opened on August 8, 2016. He resides in the Second Police District and his term on the Board expires on August 8, 2024.

David Gatian Vice-Chair
David Gatian has resided with his family in Cleveland's First Police District since 1989. He is currently a commercial roofing consultant, is a U.S. Green Building Council LEED Accredited Professional and previously served in various human resources management roles. Mr. Gatian is a certified State of Ohio MMA judge and remains active in amateur wrestling. He has provided volunteer services for The Guiding Eyes for The Blind and was an active volunteer supporter of the Cleveland Gay Games. He and his wife, Marie-Josée, are a host family for the Lake Erie Crushers baseball team players in the summertime. He holds a Bachelor's Degree in Finance and Human Resources Management from California State University at Long Beach. He was reappointed by the Mayor and his term on the Board expires on February 1, 2024.

Mary Clark
Mary Clark has spent more than thirty years working in banking and finance. She graduated from high school in Lexington, Mississippi and has since worked in Cleveland at Huntington Bank, the UPS Store, and KeyCorp. Ms. Clark resides in the Fourth Police District. She was appointed by the Mayor and her term on the Board expires on December 20, 2021.

Sherall E. Hardy
Sherall E. Hardy is a lifelong resident of Cleveland currently residing in the Fourth Police District. She was appointed by the Cleveland City Council. Ms. Hardy was educated by the Cleveland Public School System. She attended Cuyahoga Community College and graduated from Case Western Reserve University's Expanded Function Dental Auxiliary (EFDA) program. She is a former Dental Assistant Instructor. Ms. Hardy is the owner of Quick Employment LLC, an employment service founded in 2001 that places employees with reputable employers. She is a former Cuyahoga County Precinct Committee Member with the Democratic Party and currently serves on the Executive Committee. Her term expires on August 16, 2025.

Michael P. Graham

Michael P. Graham is owner and partner of Cleveland-based Strategy Design Partners, LLC, which is a strategy and communications consulting firm that works with non-profits, public agencies, and businesses. Mr. Graham is also a former assistant Cuyahoga County prosecutor. He still practices law. Mr. Graham was appointed by the City Council. Mr. Graham resides in the Second Police District. His term on the Board expires on February 22, 2025.

Chenoa C. Miller

Chenoa C. Miller is a lifelong resident of Cleveland, Ohio currently residing in the Fifth Police District. She was appointed to the Civilian Police Review Board by Cleveland City Council. Miss Miller is a graduate of Glenville High School and is currently attending Cleveland State University Maxine Goodman College of Urban Affairs for Urban and Regional Studies with a concentration in Public Management. Miss Miller's role as a public servant began in 2018, as a volunteer AmeriCorps Member. She has continued this role by volunteering at the Cleveland Police Foundation's Public Safety Career Pipeline Summer Program as contributing to other grassroots efforts that center positive youth development, workforce readiness, and violence prevention. Additionally, Miss Miller also has spent two years focused on making Cleveland's digital future more equitable through her work with DigitalC. Her term on the Board expires on February 7, 2025.

Ashley Mostella

Ashley Mostella was born and raised in the 7th Ward on Cleveland's east side. She was introduced at a very young age to community and volunteer service by her father, Benny Mostella, a manager for many years with the Cleveland Department of Parks and Recreation. Ms. Mostella has volunteered for numerous community initiatives such as the Cleveland Food Bank, Karamus House (painting murals), school supply drives, and community awareness marches. Ms. Mostella has worked in banking, the insurance industry, and as a certified medical sales representative. Ms. Mostella attended the University of Akron and she resides in the Fifth Police District. She was appointed by the Mayor and her term on the Board expires on August 8, 2022.

Kenneth J. Mountcastle

Kenneth J. Mountcastle was born and raised in Brookpark, Ohio and now resides in Cleveland's Third Police District. In 1975, he graduated from Berea High School and enlisted in the US Navy. He served the country proudly for twenty years and retired honorably in 1995 with the rank of Chief Petty Officer. Since 1995, he's held engineering and managerial positions at several companies, including Boeing, Lockheed Martin, Northrup Grumman, Computer Science, and BCT. For two years, he led his own consulting firm, Mountcastle Consulting. Mr. Mountcastle has a Master's Degree in Technical Management from John Hopkins University and a degree in Business Management from the University of Maryland, University College. He was appointed by the Mayor and his term on the Board expires on August 8, 2022.

Roslyn A. Quarto

Roslyn A. Quarto was born and raised in New York and moved to Cleveland in the fall of 2012 and became the Executive Director of Empowering and Strengthening Ohio's People (ESOP) in April of 2013. Ms. Quarto holds a BA from Pennsylvania State University and a JD from St. John's University. She brings a diverse perspective through her experience as a non-profit, government and corporate executive and lawyer. In addition to participating on the CPRB, Ms. Quarto also serves on the Ohio Attorney General's Elder Justice Commission, and on the Board of Directors for the Hebrew Free Loan Association and the Ohio CDC Organization. Ms. Quarto resides in the Second Police District. She was reappointed by the Mayor and her term on the Board expires on February 1, 2024.

Civilian Police Review Board Members			
Member	**District of Residence**	**Appointment**	**Term Expiration**
Mary Clark	4th	Mayoral	12/20/2021
David Gatian	1st	Mayoral	2/1/2024
Michael P. Graham	2nd	City Council	2/22/2025
Sherall E. Hardy	4th	City Council	August 16, 2025
Michael P. Hess	2nd	City Council	8/8/2024
Chenoa C. Miller	5th	City Council	February 7, 2025
Ashley Mostella	5th	Mayoral	8/8/2022
Kenneth J. Mountcastle	3rd	Mayoral	8/8/2022
Roslyn A. Quarto	2nd	Mayoral	2/1/2024
Ernest G. Turner†	4th	City Council	8/16/2021

Table 1: Civilian Police Review Board Members

The Civilian Police Review Board reviews completed OPS investigations and makes recommended findings regarding conduct and discipline and provides an opportunity for citizens who believe they were treated unfairly to voice their concerns

Settlement Agreement / Consent Decree

Following a two-year investigation that concluded in 2014, the U.S. Department of Justice ("DOJ") notified the City in a December 4, 2014 letter ("findings letter") that there was "reasonable cause to believe that there was a pattern and practice of excessive force in Cleveland that violated the U.S. Constitution and federal law."[3]

As it pertained to OPS, the DOJ determined that "civilian complaints of officer misconduct were not being adequately investigated."[4] The DOJ findings letter stated that deficiencies in the OPS complaint process included "impossibly high caseloads for investigators, the inappropriate and premature rejection of civilians' complaints, substandard investigations, significant delays in completing investigations, and the failure to document and track outcomes."[5]

In response to the DOJ's findings, the City of Cleveland and DOJ entered into a court-enforceable Settlement Agreement that requires the City to make a number of fundamental changes to its police and civilian oversight policies, practices, procedures, training, use of data, and more. On June 12, 2015, the Settlement Agreement, also known as the "Consent Decree," was approved and signed by the Chief Judge of the U.S. Northern District, Judge Solomon Oliver, Jr.[6] On October 1, 2015, the Cleveland Monitoring Team was appointed to oversee the City's implementation of the Settlement Agreement.

Over the course of the 2018 calendar year, the OPS and the CPRB, with the assistance of the Cleveland Monitoring Team and the Department of Justice, have continued working to improve OPS practices and comply with the terms of the Settlement Agreement. Notable improvements include, the hiring of needed additional full-time staff, the continued training of the OPS and CPRB staff members, the updating of procedures as well as the introduction of new protocols designed to create close adherence to the OPS Manual.

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[3] Department of Justice Findings Letter, "Investigation of the Cleveland Division of Police", pg. 2, https://www.justice.gov/file/180576/download

[4] Findings Letter, pg. 38

[5] Findings Letter, Pg. 39

[6] http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/PublicSafety/Police/PoliceSettlementAgreement

For a fuller description of the City's progress (and challenges) in implementing the terms of the Settlement Agreement as it pertains to OPS and CPRB, please view the Monitor's Semiannual reports, which can be found at: http://www.clevelandpolicemonitor.net/resources-reports.

OPS Jurisdiction and Complaint Process

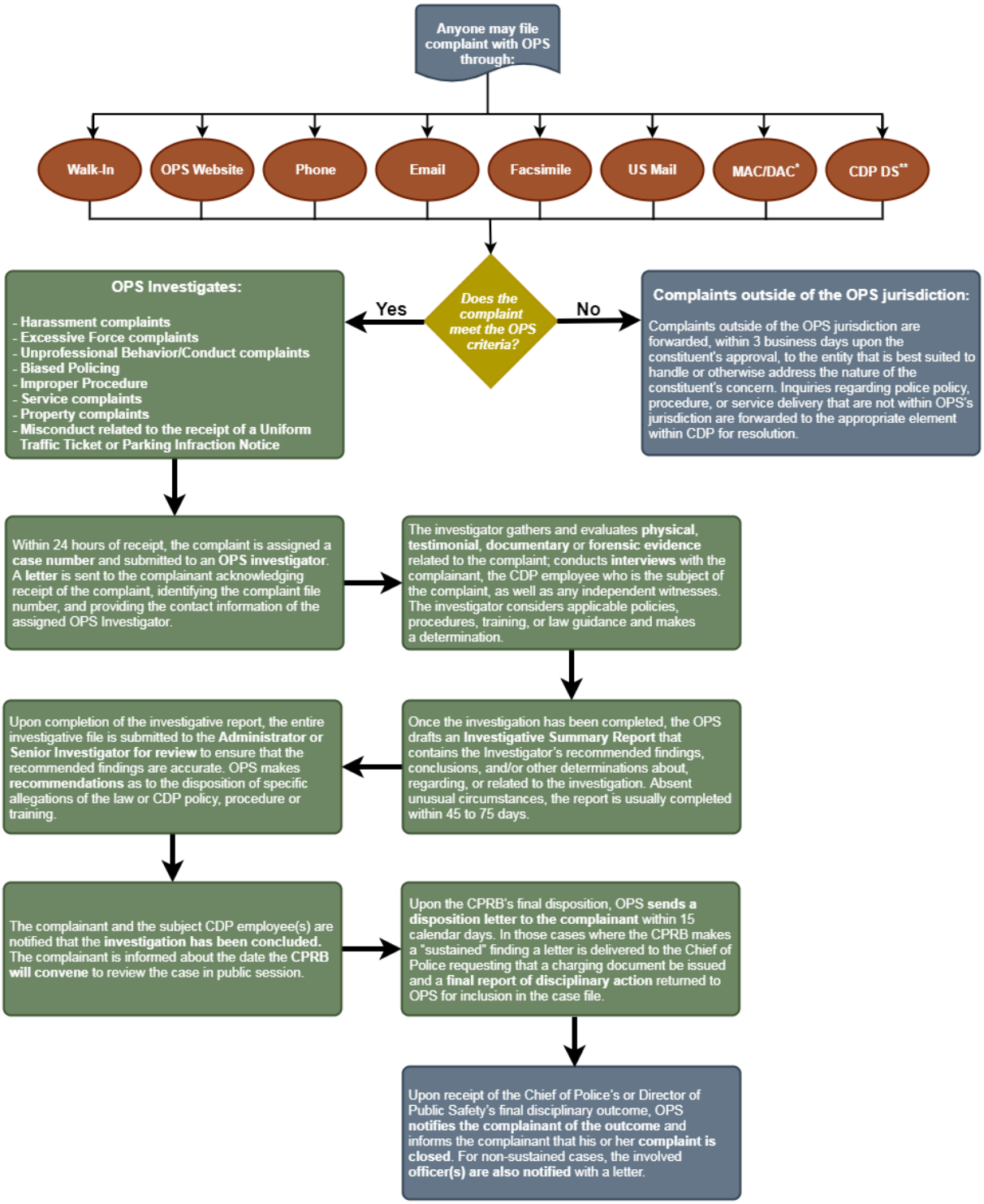
OPS has jurisdiction over the following types of misconduct complaints made against personnel of the Cleveland Division of Police:

1. **Harassment** complaints: to include those alleging bias policing, discrimination, and profiling;
2. **Excessive Force** complaints;
3. **Unprofessional Behavior/Conduct** complaints;
4. **Improper Procedure** complaints, including:
    a. Improper Arrest
    b. Improper Citations
    c. Improper Search
    d. Improper Stop
    e. Improper Tow
5. **Service** complaints, including:
    a. Insufficient CDP employee service
    b. No CDP service;
6. **Property** complaints, including
    a. missing property
    b. damage to property; and,
7. **Misconduct** related to the receipt of a Uniform Traffic Ticket (UTT) or Parking Infraction Notice (PIN) if the Parking Infraction Notice was issued by CDP personnel.

Cases that fall outside of these parameters, and do not allege criminal conduct, are administratively dismissed and referred to the proper agency with the authority to address that matter, whenever possible. Citizen complaints alleging criminal conduct (i.e. theft, assault) are referred by the OPS Administrator to the CDP Internal Affairs Unit that has the responsibility for investigation of alleged criminal acts by CDP personnel.

As can be seen from the following flowchart, citizen complaints may be filed in person at the Office of Professionals Standards (OPS), or by U.S. mail, email, or facsimile to OPS. Citizen complaints may also be filed at the Cleveland Division of Police (CDP) Headquarters, any of the five (5) CDP District Stations, the Mayor's Action Center (MAC), or Director of Public Safety's Action Center (DAC). Citizens have also the ability to file their complaints online, through the OPS website (http://www.clevelandohio.gov/ops). All citizen complaints are identified by an OPS file tracking number and then assigned to a civilian Investigator.

OPS Complaint Process



* Mayor's Action Center (MAC) / Director of Public Safety's Action Center (DAC)

** Cleveland Division of Police District Stations (CDP DS)

Once a file tracking number is designated and the complaint is assigned to a civilian Investigator, a preliminary review is conducted. If during the preliminary review it is determined that potential criminal conduct or activity may have occurred, then OPS refers the complaint to the Internal Affairs Unit of CDP. If there is no alleged criminal conduct or activity, then OPS will conduct the investigation. During the course of the investigation, the complainant and any potential witnesses are interviewed, and the assignment and duty reports of the Officer(s) involved, as well as all relevant documentation, are reviewed. The Officer(s) involved is required to respond to questions relevant to the complaint.

At the conclusion of the investigation, it is reviewed and approved by the OPS Administrator, who then forwards it to the Civilian Police Review Board (CPRB). The CPRB reviews all completed investigations conducted by OPS, deliberates, and determines if a civil violation of policy, training, or rules and regulations occurred. If the CPRB determines that a violation did occur, then it sustains the complaint and accordingly recommends the appropriate discipline to either the Chief of Police or the Director of Public Safety.

When the CPRB recommends discipline, a pre-disciplinary hearing is conducted in which OPS presents its investigation to either the Chief of Police or the Director of Public Safety, or his designated hearing officer. The Officer(s) involved, who is present along with his/her union representative(s), has the opportunity to respond to the charges filed against him/her. The Chief of Police or the Director of Public Safety makes the final decision whether or not to impose discipline against the Officer(s) who was the subject of the citizen complaint.

How complaints are received and investigations are conducted, the process in which the CPRB presides over cases and the results of the CPRB's findings are further outlined in the OPS and CPRB manuals located on the City of Cleveland's OPS website.

OPS Complaints Filed in 2021

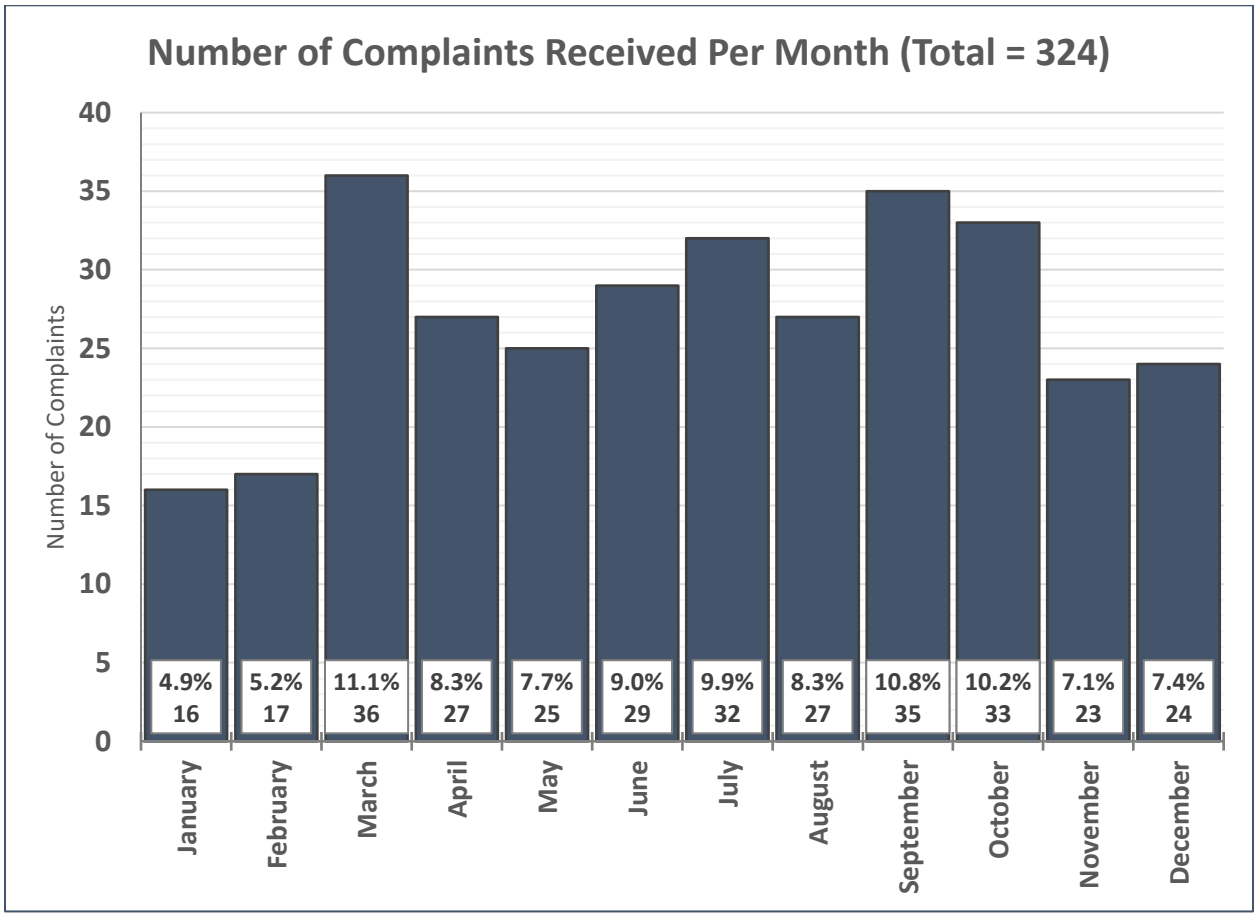


***Figure 3**: Number of Complaints Received Per Month in 2021*

Anyone may file a complaint with OPS, including subjects of police incidents, recipients of police services, a witness to a police incident, a third party, a legal representative, an anonymous person, the OPS Administrator, or a member of the CPRB.

Figure 3, above, details the 324 complains the Office of Professional Standards received in 2021, an increase of 17.4 percent from the 276 complaints received in 2020, making 2021 the second consecutive year that the complaints have increased (see *Figure 4* on next page).

The month of March was the busiest for the Office of Professional Standards (with 36 complaints), followed by the months of September (with 35 complaints), and October (with 33 complaints).

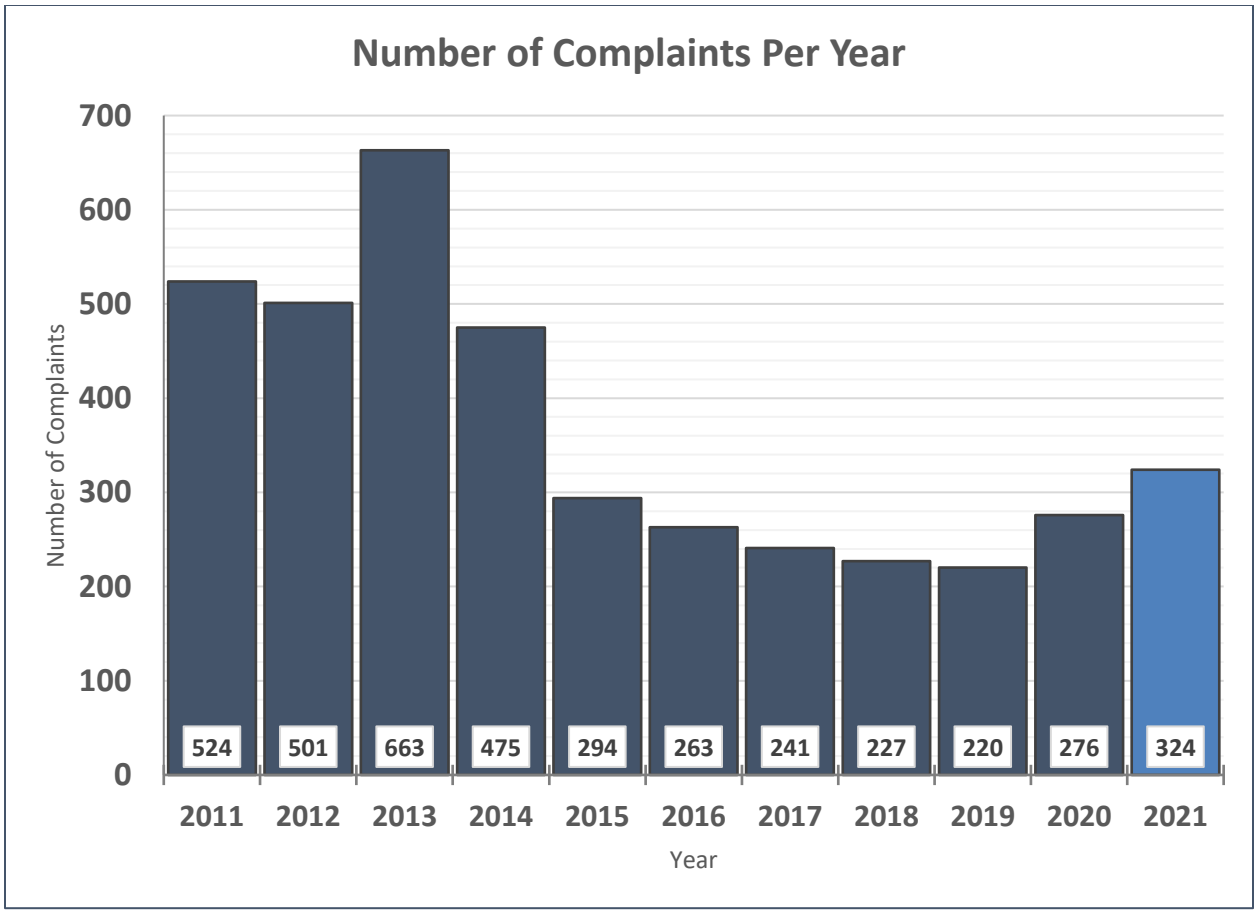


***Figure 4**: Number of Complaints per Year Since 2011*

How Complaints were Received

Figure 5, below, depicts how the Office of Professional Standards received the 324 complaints that were filed with the Office in 2021. Specifically, 121 complaints (or 37.3 percent) were filed through the OPS Website and 79 complaints (or 24.4 percent) through the five Police Districts. Another 51 complaints (or 15.7 percent) were filed through Email, and 27 (or 8.3 percent) were filed by people who walked in the OPS offices in downtown Cleveland (205 West St. Clair Ave). Nineteen complaints (or 5.9 percent) were filed via Facsimile and 17 (or 5.2 percent) were filed over the Phone. Finally, 5 complaints (or 1.5 percent) were filed via the US Postal Service, and an equal number of complaints were filed via through the Mayor's or Director of Public Safety's Action Centers.

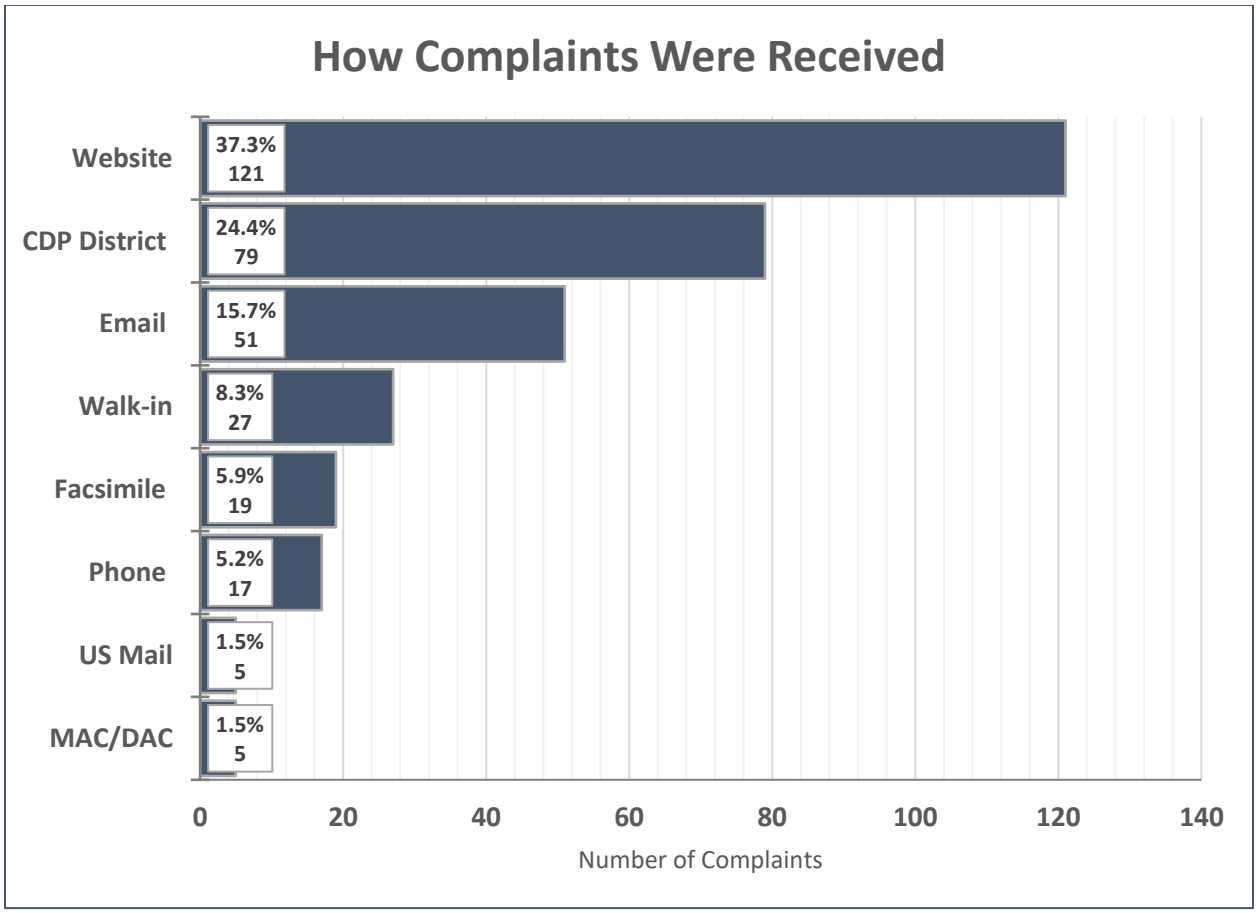


***Figure 5**: How Complaints Were Received in 2021*

Categories and Status of 2021 Complaints

Each complaint received by the Office of Professional Standards may include multiple allegations, and each allegation is investigated. *Figure 6*, shows the breakdown of the primary allegation[7] that was made in the 324 complaints received during the 2021 calendar year.

"Unprofessional Behavior/Conduct" is the primary allegation in the highest number of cases (133 cases or 41.0 percent), followed by "Lack of Service/No Service" (92 cases or 28.4 percent), "Improper Procedure" (54 cases or 16.7 percent), "Harassment" (24 cases or 7.4 percent), "Biased Policing" (9 cases or 2.8 percent), "Missing/Damaged Property" (6 cases or 1.9 percent) and "Excessive Force" (6 cases or 1.9 percent).

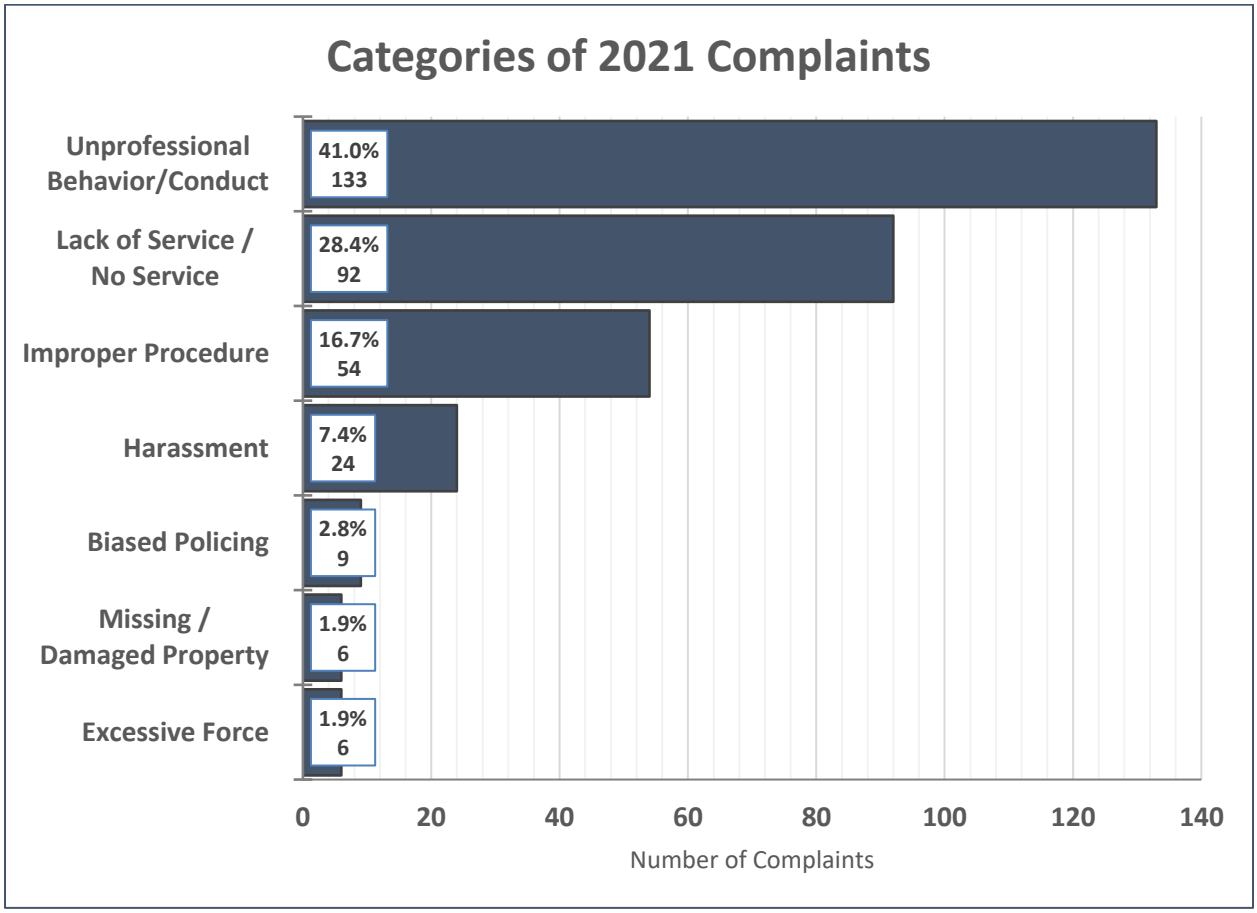


***Figure 6**: Categories of 2021 Complaints*

[7] The primary allegation is identified from the narrative the complainants provide in the complaint form or during the interview with the Investigator. As the investigation progresses, more allegations can be added to a complaint and/or the initial allegation can be altered.

Figure 7, below, shows the status of the 324 complaints originating in 2021. Of the 324 complaints, 146 (or 45.0 percent) have been closed and 178 (55.0 percent) remain active. Of those cases that were closed, 38 (or 11.7 percent) received full investigation and were heard by the CPRB and 33 (or 10.2 percent) received full investigation and they are scheduled for CPRB hearing. The number of cases that were Administratively Closed was 38 (or 11.7 percent) and those Administratively Dismissed was 37 (or 11.4 percent)[8]. Of those cases remaining active, in 2 cases (or 0.6 percent) criminal conduct was alleged and thus a copy of the file was forwarded to the Internal Affairs Unit. Finally, in 3 cases (or 0.9 percent) the investigation has been administratively held[9].

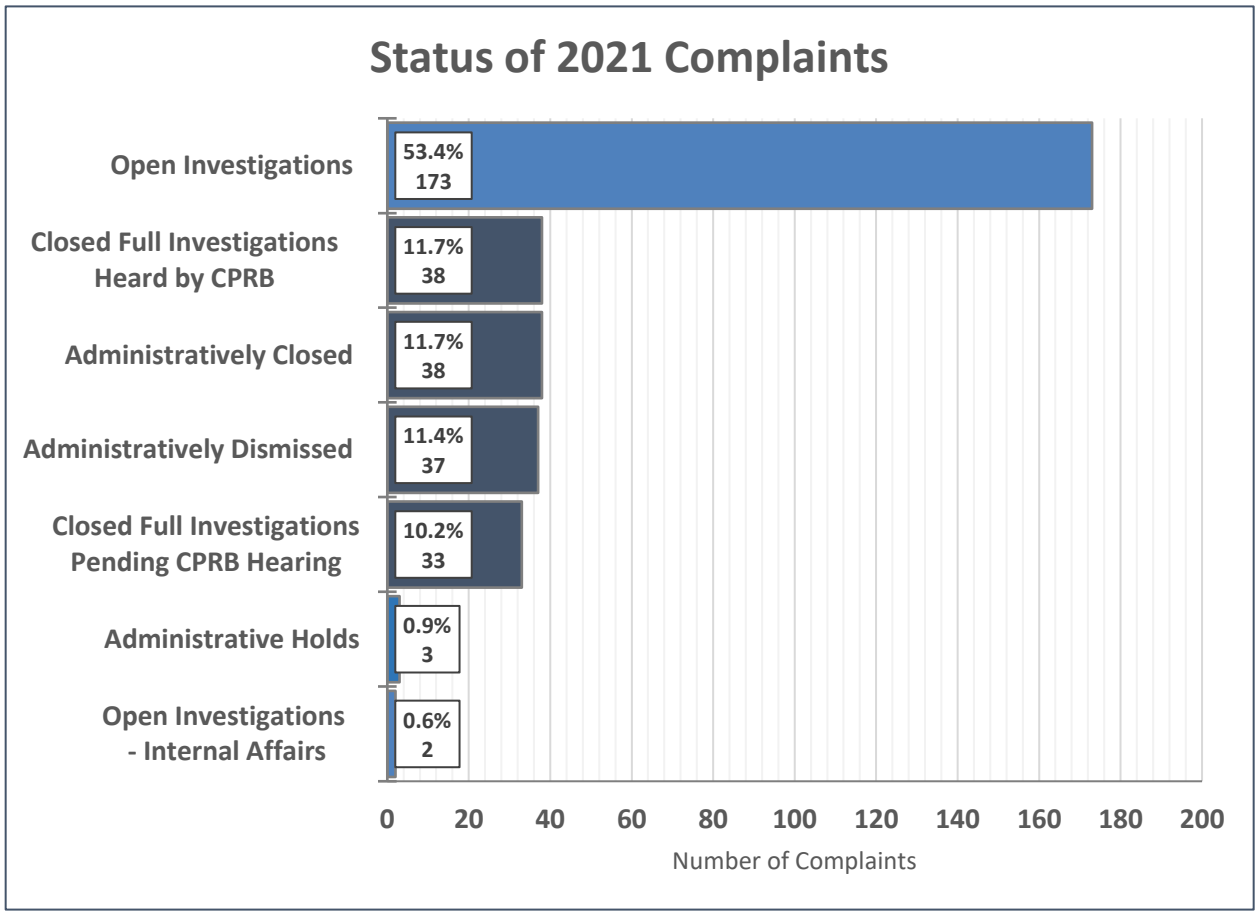


***Figure 7**: Status of 2021 Complaints*

[8] For a discussion of the difference between "Administratively Dismissed" and "Administratively Closed" cases, see the next section of this report.

[9] Administrative holds are the result of protracted medical leaves, DA holds, etc.

OPS Administrative Dismissals and Closures

Figure 8, below, presents a breakdown of the complaints that were Administratively Dismissed or Closed in 2021.

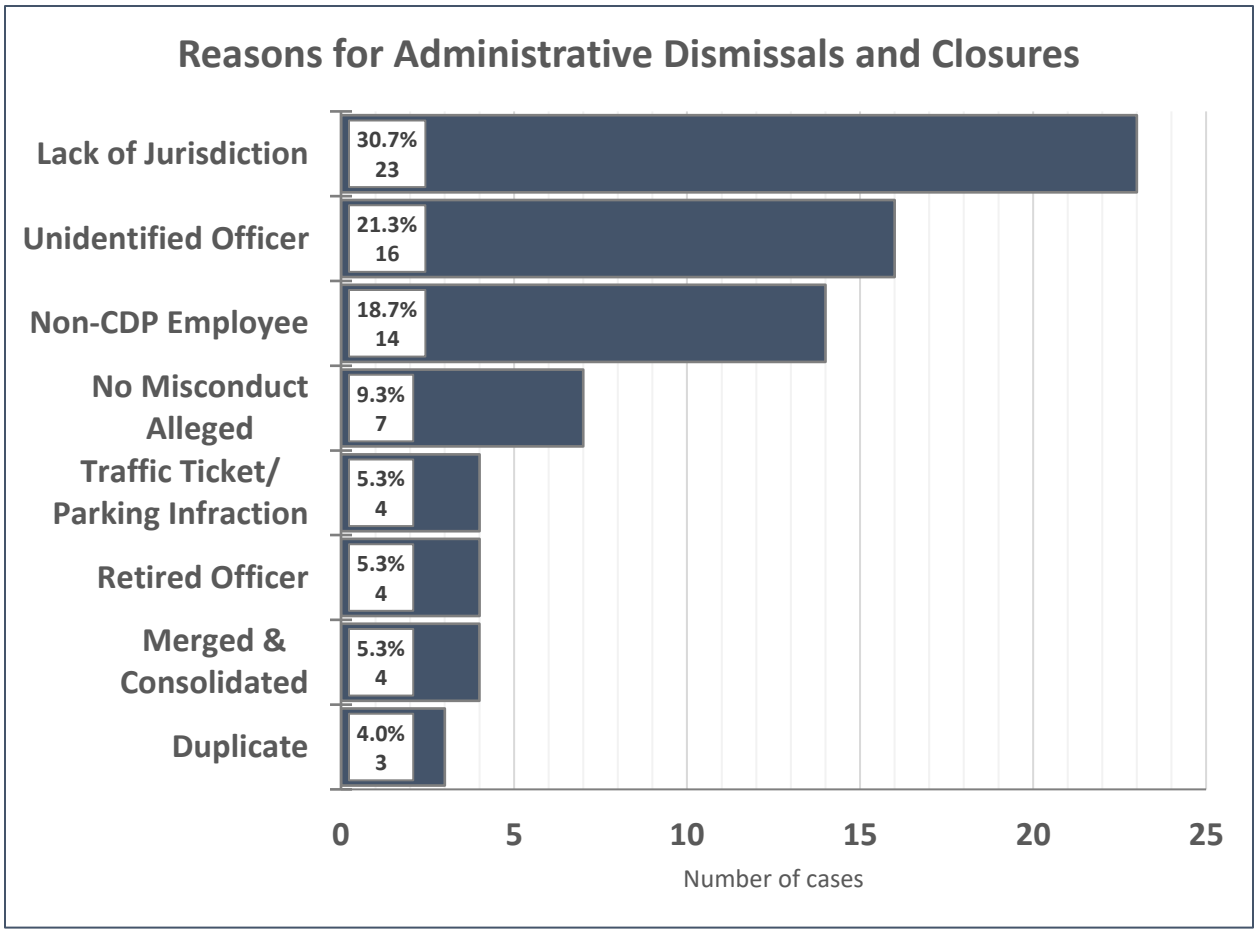


***Figure 8**: Reasons for Administrative Dismissals and Closures in 2021*

As explained in Section 701 of the OPS Policy Manual, complaints may be **Administratively Dismissed** when one of the following criteria applies:

1. The individual complained of is not a CDP employee;
2. The employee referenced in the complaint cannot be identified despite the best efforts of the agency;
3. The preliminary investigation reveals that the delay in police services was due to workload or otherwise unavoidable;

4. The complaint involves off-duty conduct of a civil nature (unless the alleged conduct, or its effects, constitute misconduct or have a substantial nexus to the officer's City employment);
5. The complaint concerns the receipt of a uniform traffic ticket and/or parking infraction notice without any additional claims of racial profiling, illegal search, excessive force, or other allegations within OPS's jurisdiction.

In addition to the Administrative Dismissal process, cases may also be Administratively Closed. In **Administrative Closure** cases may be closed in order to merge or consolidate multiple related cases, when OPS has received duplicate complaints or when a case is opened in error. Cases are merged and consolidated when multiple complaints are received raising the same facts or arising from the same occurrence such that a collective investigation of both complaints would be most effective under the circumstances.

OPS Referrals

If at any time during an OPS investigation, a complainant alleges criminal conduct, a copy of the file is forwarded to CDP's Internal Affairs Unit so that the Unit can conduct a thorough investigation. Regardless of the Internal Affairs investigatory results, the case is returned to OPS to conclude its separate investigation pertaining to the alleged non-criminal conduct or administrative violations. Furthermore, complaints that are outside of the OPS jurisdiction can be referred by OPS to agencies other than CDP for additional follow up.

In 2021, seven (7) complaints were referred to the Internal Affairs Unit, one (1) complaint to the Cleveland Metroparks Police Department, and one (1) complaint to the Cuyahoga County Sheriff.

Timeliness of Investigations

Complaints that are not referred to Internal Affairs or are Administratively Dismissed/Closed are fully investigated by the Office of Professional Standards (OPS). Investigators gather evidence by taking statements and/or conducting recorded interviews of complainants, CDP employees, and witnesses who may have factual information pertaining to the complaint. Statements may also be taken from persons who have specialized knowledge regarding the complaint, or the circumstances related to the complaint.

Additionally, investigators are expected to gather evidence such as reports, activity sheets, 911 calls, dispatch reports, crime scene materials, as well as video or audio recordings that may be related to the complaint. After the Investigator gathers all relevant evidence, the evidence is evaluated, and an Investigative Summary Report is drafted. The Investigative Summary Report contains the agency's recommended findings and conclusions about the investigation.

OPS continuously explores opportunities to streamline the investigation process. *Figure 9*, on next page, presents details about the number of days it took for the 146 completed investigations to be closed in 2021. We can see that it took on average 61 days to complete an investigation (*SD* = 62 days, *Mdn* = 38 days, min = 0 days, max = 268 days).

The timeliness of investigations is a continuing priority for the Office of Professional Standards. Timeliness depends upon several aspects, including but not limited to: the number and complexity of the complaints filed; the existence and size of case backlogs; staffing; DA holds and other procedural gaps in investigation, and; the timetable in which documents and other evidentiary requests are met by external sources. After accounting for non-investigative delays, OPS strives every year to complete 50 percent of its investigations within 60 days.

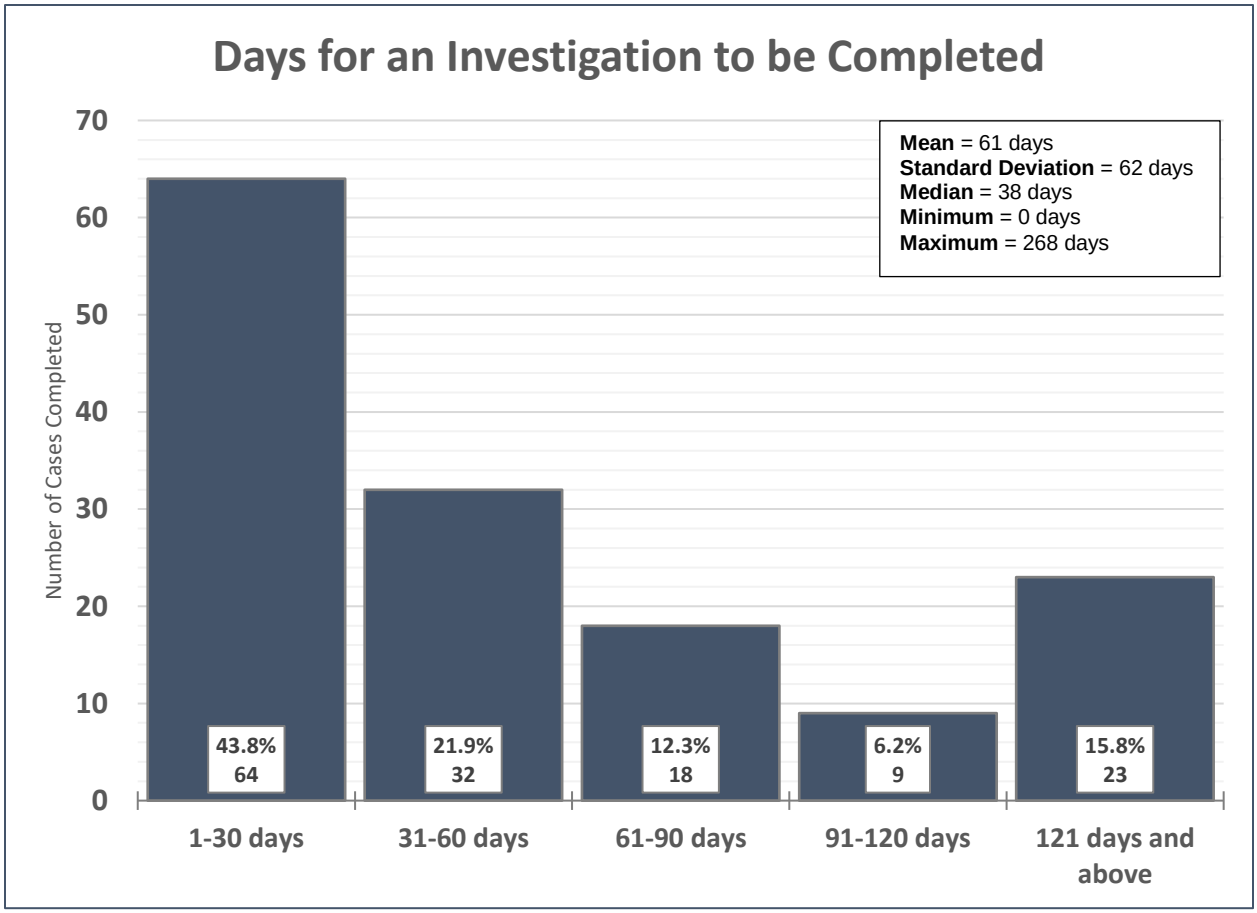


***Figure 9**: Days for an Investigation to be completed in 2021*

Cases Heard by the CPRB

Once the OPS Investigative Summary Report has been completed, the OPS Administrator submits the file to CPRB for review. The CPRB's monthly board meetings are open to the public to discuss complaints and completed investigations of alleged misconduct of CDP personnel. The complainants are notified of the date and time of the meeting in case they want to be present.

On meeting day, a quorum of the CPRB members (at least two-thirds) must be present to reach a disposition and provide recommendation on discipline for each allegation identified. The OPS Investigator who conducted the investigation presents the case to the Board by outlining the nature of the complaint, the nature of the allegations involved, and the material evidence and facts established by the investigation. That Investigator also shares the OPS-recommended disposition with the Board at that time. Board members will often ask questions of the Investigator and give complainants the opportunity to be heard at that time.

In reaching a decision, the CPRB is required to review its cases under the "preponderance of the evidence" standard of proof. "Preponderance of the evidence" means the greater weight of evidence; for example, based on all of the evidence it is more likely than not that a CDP employee has engaged in conduct inconsistent with CDP policy, procedure or training. For purposes of applying the "preponderance of the evidence" standard, officer performance must be evaluated against the policy, procedure, or training in effect at the time of the incident.

As can be seen in *Figure 10*, on next page, in 2021, the CPRB adjudicated a total of 116 complaints. The complaints investigated by OPS were filed in 2018 (1 complaint or 0.9 percent), 2019 (15 complaints or 12.9 percent), 2020 (62 complaints or 53.4 percent), and 2021 (38 complaints or 32.8 percent).

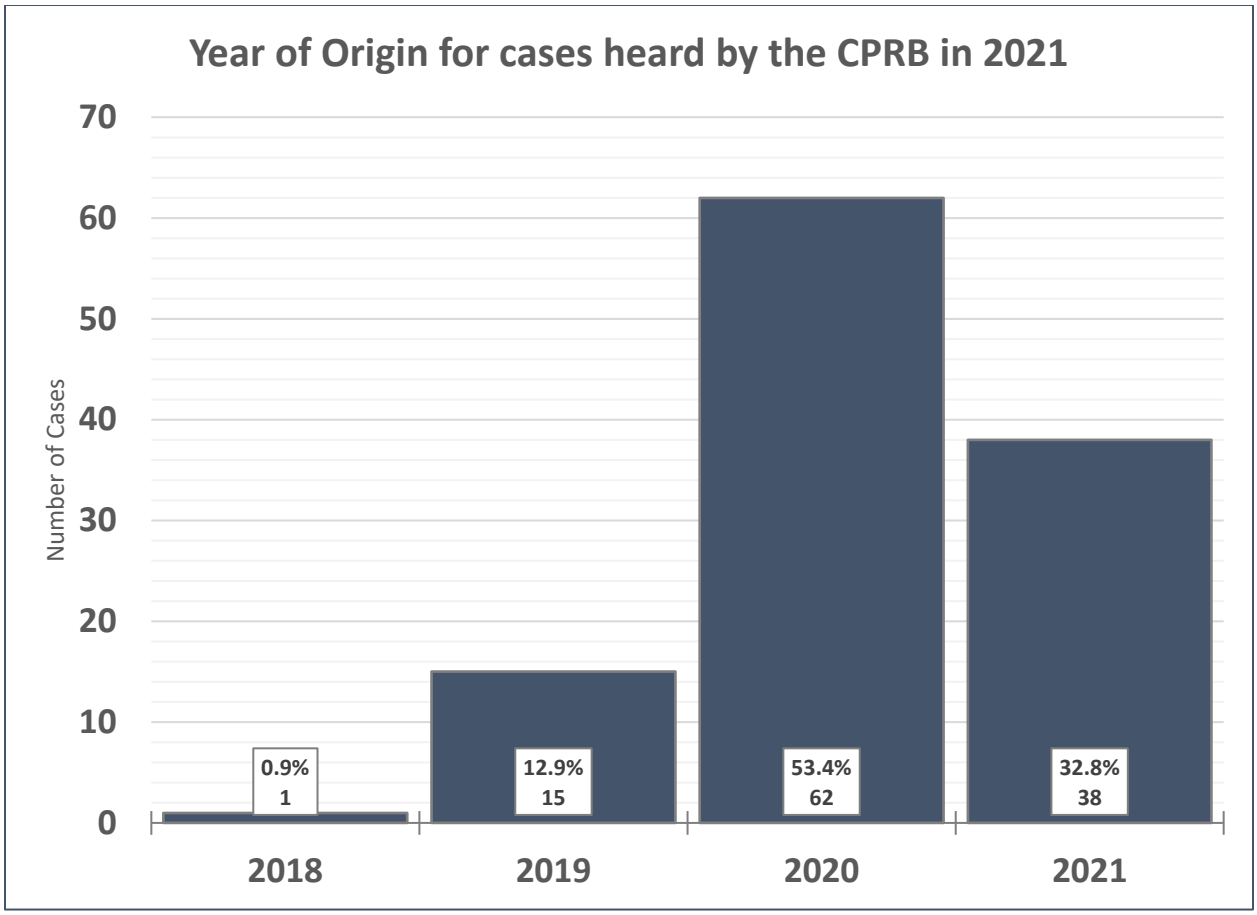


***Figure 10**: Year of Origin for cases heard by the CPRB in 2021*

CPRB Dispositions

Each complaint can involve one allegation or (what is more common) multiple allegations. Table 2, on next page, presents information about all 313 allegations introduced in the 116 complaints that were heard by the CPRB in 2021. As can be seen, in 90 of the 313 allegations (or 28.8 percent) the CPRB suggested sustained findings to the Chief of Police, whereas in 94 of the allegations (or 30.0 percent) the Board exonerated the officer. Further, in 101 allegations (or 32.3 percent) the Board decided that the allegations were unfounded and in 28 (or 8.9 percent) decided that the evidence presented were insufficient to determine whether misconduct had occurred.

As far as type of allegation is concerned, the Board sustained 19.2 percent of the “Lack of Service/No Service” allegations, 40.6 percent of the “Improper Procedure” allegations, 30.3 percent of “Unprofessional Behavior/Conduct” allegations, 10.0 percent of the “Harassment” allegations, 30.0 percent of the “Biased Policing” allegations, and 25.0 percent of the

"Missing/Damaged Property" allegations. The Board did not sustain any of the "Excessive Force" allegations.

Type of Allegation	2021 CPRB Dispositions				Total Allegations
	Sustained	Exonerated	Unfounded	Insufficient Evidence	
Lack of Service / No Service	20 (19.2%)	45 (43.3%)	33 (31.7%)	6 (5.8%)	**104**
Improper Procedure	41 (40.6%)	42 (41.6%)	14 (13.9%)	4 (4.0%)	**101**
Unprofessional Behavior / Conduct	23 (30.3%)	6 (7.9%)	35 (46.1%)	12 (15.8%)	**76**
Harassment	1 (10.0%)	0 (0.0%)	7 (70.0%)	2 (20.0%)	**10**
Biased Policing	3 (30.0%)	0 (0.0%)	5 (50.0%)	2 (20.0%)	**10**
Missing / Damaged Property	2 (25.0%)	0 (0.0%)	4 (50.0%)	2 (25.0%)	**8**
Excessive Force	0 (0.0%)	1 (25.0%)	3 (75.0%)	0 (0.0%)	**4**
Total	**90 (28.8%)**	**94 (30.0%)**	**101 (32.3%)**	**28 (8.9%)**	**313**

Table 2: 2021 CPRB Dispositions

Wearable Camera Systems (WCS) and Case Dispositions

The Cleveland Division of Police (CDP) started a pilot Wearable Camera System (WCS) in June 2014[10]. Since December 2016, WCSs are mandatory for all members who have been issued a WCS[11]. Specifically, CDP policy requires officers to activate WCSs prior to responding to all calls for service, during all investigative or enforcement contacts with the public, or other contact with the public that may or does become adversarial after the initial contact[12].

Officer Compliance with WCS Policies

In 2021, 89.5 percent of allegations that went before the CPRB had relevant WCS video. There are several reasons why an OPS case might not have WCS footage. It might be, for instance, because the officer(s) involved had not been issued a WCS or because the officer(s) did not activate the WCS during the incident. Some other cases do not involve WCS footage because the incident took place over the phone/online or because the officer was working off duty, etc.

OPS has full access to all CDP WCS videos that are relevant to OPS investigations. If, during the investigation, OPS determines that the officer(s) involved had been issued WCS but did not activate it as required, then OPS has the ability to charge the officer(s) with the additional violation of failure to activate WCS (i.e., for violation of General Police Order (GPO) 3.2.20). In 2021, the number of officers that were charged with the additional violation of failure to activate WCS was 9 (across 8 cases).

Impact of WCSs

The availability and access of WCS footage that illustrates the actions and conduct of officers and complainants has been a powerful accountability tool. The chart on next page presents how WCS footage affected the disposition of allegations investigated by OPS and heard by CPRB in 2021. It is evident that WCS video footage helped the CPRB reach a conclusive finding in 94.4 percent of allegations, compared to only 63.7 percent without WCS video footage. Specifically, the existence of WCS footage increased by 100 percent the chances that an allegation against a CDP employee will be sustained, and by more than 46 percent the chances that a CDP employee will be exonerated. Further, it increased by more than 20 percent the chances that an allegation against a CDP employee will be unfounded, and reduced by more than 84 percent

[10] See CDP Divisional Notice 14-226 and General Police Order (GPO) 3.2.20.
[11] See CDP Divisional Notice 16-372.
[12] General Police Order (GPO) 3.2.20, page 2.

the chances that the CPRB will not have sufficient evidence to make a determination (see *Figure 11*, below).

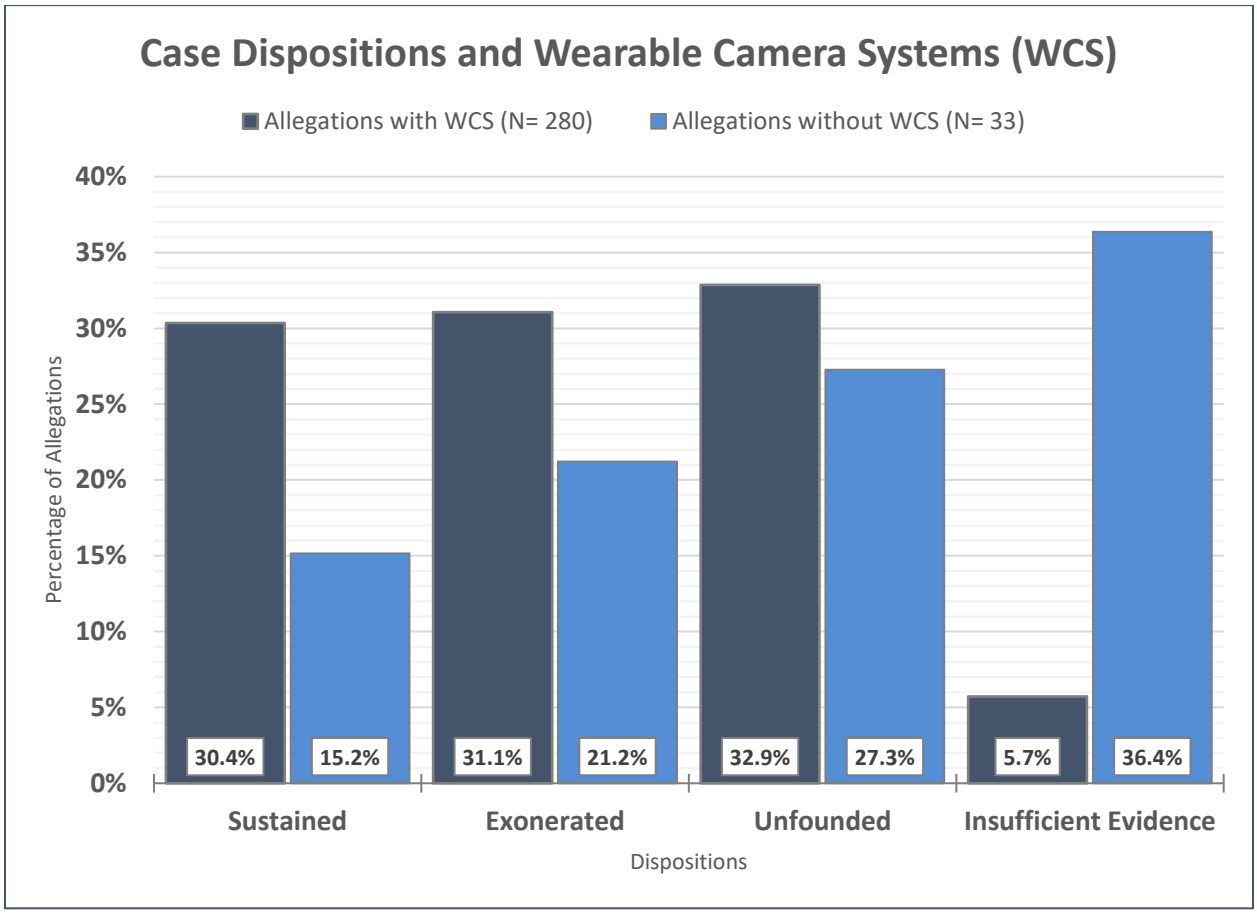


***Figure 11**: Dispositions and Wearable Camera System (WCS) in 2021*

Chief and Director's Hearings

If any aspect of the investigation has been sustained by the CPRB hearing, OPS forwards a Findings Letter to the Chief of Police ("Chief") and the Director of Public Safety ("Director") within 14 days. The Findings Letter summarizes the CPRB's findings, explaining their rationale to the Chief as well as the matrix category as determined by the Disciplinary matrix that was in place at the time of the incident. Along with the Findings Letter, the complete OPS investigative report and all supporting documents are provided to the Chief of Police.

The Chief or Director subsequently holds a hearing in which the CDP member is given the opportunity to offer testimony and provide contrary or mitigating evidence. Within ten days of the hearing, the Chief or Director is required to notify the CPRB of its outcome and any discipline to be imposed. OPS is working with the Chief's Office to ensure that the Chief provides an explanation for any departures from CPRB recommendations and a protocol to ensure that the CPRB has the opportunity to appeal any decision with which it disagrees to the Public Safety Director.

Of the 116 complaints adjudicated by the CPRB in 2021, 44 (or 37.9 percent) involved recommendations for sustained findings. As of the end of 2021, 36 (or 81.8 percent) of those cases had a Chief's or Director's Hearing.

In 2021, it took on average 50 days (*SD* = 16 days, *Mdn* = 49 days, min = 26 days, max = 90 days) from the day the CPRB presented a Findings Letter to the Chief of Police, to the day the Chief held a disciplinary hearing.

Discipline Concurrence

The Office of Professional Standards tracks whether or not the discipline imposed by the Chief and/or the Director was in concurrence with that recommended by the CPRB. Discipline Concurrence means that the Chief or Director agreed with the Group Level of discipline recommended by the CPRB. When the Chief's or Director's discipline is of a lesser Group Level than that recommended by the CPRB, the discipline is not in concurrence. The CPRB does not take a position concerning the number of suspension days or any penalty differences falling within the same Group Level.

From the table that follows, we see that 60.3 percent of the time, the Chief's discipline was in concurrence with the discipline recommended by the CPRB. The Director's discipline was in concurrence with the discipline recommended by the CPRB only 40.0 percent of the time.

Case	Allegations Sustained by CPRB	CPRB Discipline Recommendation	Result of Chief's Hearing	Chief's Discipline Concurrence	Result of Director's Hearing	Director's Discipline Concurrence
16-216	Improper Procedure	Group I	Dismissed the Allegation	No Discipline	(*The CPRB Appealed the case to the Director*) Issued Verbal Counseling	Discipline Concurrence
17-037	Lack of Service	Group II	Dismissed the Allegation	No Discipline	(*The CPRB Appealed the case to the Director*) Upheld the Chief's Dismissal	No Discipline
17-066	Unprofessional Conduct	Group II	Issued an 8-day Suspension	Discipline Concurrence	-	-
17-128	Lack of Service	Group I	Issued a letter of reinstruction	Discipline Concurrence	-	-
17-209	Improper Search	Group I	Dismissed the Allegation	No Discipline	(*The CPRB Appealed the case to the Director*) Issued a Written Reprimand and Retraining in search and seizure procedures	Discipline Concurrence
18-133	Unprofessional Conduct	Group I	Issued a Written Reprimand	Discipline Concurrence	-	-
18-200	Unprofessional Conduct	Group I	Issued a Letter of Reinstruction	Discipline Concurrence	-	-
19-019	Improper Search WCS Violation	Group I	Issued a Letter of Reinstruction and a 2-day Suspension	Discipline Concurrence	-	-

19-021	Unprofessional Conduct	Group I	Issued a Written Reprimand	Discipline Concurrence	-	-
19-044	Lack of Service	Group I	Issued a Written Reprimand	Discipline Concurrence	-	-
19-047	Improper Citation	Group I	Dismissed the Allegation	No Discipline	(*The CPRB Appealed the case to the Director*) Upheld the Chief's Dismissal	No Discipline
19-076	Failure to Generate a Crisis Intervention Report and a Use of Force Report	Group I	Issued a Letter of Reinstruction	Discipline Concurrence	-	-
19-085	Unprofessional Conduct Improper Detention Improper Search	Group II	Issued an 2-day Suspension Issued an 3-day Suspension	Discipline Difference	-	-
19-087	Unprofessional Conduct	Group I	Issued a Letter of Reinstruction	Discipline Concurrence	-	-
19-102	Unprofessional Conduct	Group II	Issued an 6-day Suspension	Discipline Concurrence	-	-
19-119	WCS Violation	Group I	Issued an 1-day Suspension	Discipline Concurrence	-	-
19-128	Unprofessional Conduct	Group I	Dismissed the Allegation	No Discipline	(*The CPRB Appealed the case to the Director*) Issued a 2-day Suspension	Discipline Concurrence
19-130	Unprofessional Conduct	Group I	Issued a Letter of Reinstruction	Discipline Concurrence	-	-

19-137	Improper Tow WCS Violation	Group I	Dismissed the Allegation	No Discipline	-	-
19-142	Excessive Force Improper Citation Missing Property WCS Violation	Group I - Group III	Issued a Written Reprimand	Discipline Concurrence	Issued a 2-day Suspension	Discipline Difference
19-147	Improper Procedure Lack of Service Unprofessional Conduct Biased Policing	Group II- Group III	-	-	Issued a 7-day Suspension	Discipline Difference
19-159	Lack of Service WCS Violation	Group II	Issued a 2-day Suspension	Discipline Difference	-	-
19-163	Lack of Service	Group I	Dismissed the Allegation	No Discipline	(*The CPRB Appealed the case to the Director*) Upheld the Chief's Dismissal	No Discipline
19-173	Failure to Provide an OPS Complaint Form	Group I	Issued a Letter of Reinstruction	Discipline Concurrence	-	-
19-175	Unprofessional Conduct	Group I	Dismissed the Allegation	No Discipline	-	-
19-183	Lack of Service Unprofessional Conduct	Group I	Issued a 10-day Suspension Issued a Written Reprimand	Discipline Concurrence	-	-
19-184	Improper Procedure Unprofessional Conduct WCS Violation	Group II	Issued a 3-day Suspension	Discipline Difference	(*The CPRB Appealed the case to the Director*) Issued a 5-day Suspension	Discipline Difference

19-186	Improper Procedure Unprofessional Conduct Biased Policing	Group II	Issued a 10-day Suspension	Discipline Concurrence	-	-
19-187	Improper Search	Group I	Dismissed the Allegation	No Discipline	(*The CPRB Appealed the case to the Director*) Upheld the Chief's Dismissal	No Discipline
19-189	Improper Search Unprofessional Conduct	Group II	Issued a 5-day Suspension Issued a 5-day Suspension	Discipline Difference	-	-
19-209	Excessive Force Unprofessional Conduct Improper Stop/Detention Improper Search/Frisk Improper Citation Failure to De-Escalate Failure to Provide Name/Badge Number	Group I - Group III	-	-	Issued a 20-day Suspension	Discipline Concurrence
19-212	WCS Violation	Group I	Issued a 1-day Suspension	Discipline Concurrence	-	-
19-219	Lack of Service	Group I	Issued a Letter of Reinstruction	Discipline Concurrence	-	-
20-015	Improper Tow WCS Violation	Group I	Dismissed the Allegation	Discipline Difference	(*The CPRB Appealed the case to the Director*)	Discipline Concurrence

			Issued a 1-day Suspension		Issued a 1-day Suspension	
20-016	Improper Tow	Group I	Dismissed the Allegation	No Discipline	(*The CPRB Appealed the case to the Director*) Upheld the Chief's Dismissal	No Discipline
20-021	Lack of Service Unprofessional Conduct	Group I	Issued a 1-day Suspension	Discipline Concurrence	-	-
20-028	Improper Procedure Vehicle Pursuit: Initiation Violation Vehicle Pursuit: Failed to Yield Violation Vehicle Pursuit: Excessive Speed Violation Emergency Response Driving Violation Self-Dispatch Violation	Group I	Dismissed Several Allegations Issued a Written Reprimand	Discipline Difference	(*The CPRB Appealed the case to the Director*) Upheld the Chief's Dismissals	No Discipline
20-049	WCS Violation	Group I	Issued a 1-day Suspension	Discipline Concurrence	-	-
20-056	WCS Violation	Group I	Issued a 1-day Suspension	Discipline Concurrence	-	-
20-057	Unprofessional Conduct	Group I	Issued a 2-day Suspension	Discipline Concurrence	-	-
20-061	Missing Property WCS Violation Improper Frisk	Group I	Issued a 1-day Suspension	Discipline Concurrence	-	-

	Improper Citation Damaged Property Improper Search		Issued a Letter of Reinstruction Issued a Written Reprimand and retraining			
20-067	Improper Procedure	Group I	Issued a Letter of Reinstruction	Discipline Concurrence	-	-
20-069	Unprofessional Conduct	Group II	Issued an 8-day Suspension	Discipline Concurrence	-	-
20-073	Lack of Service Biased Policing	Group I	Dismissed the Allegations	No Discipline	(*The CPRB Appealed the case to the Director*) Upheld the Chief's Dismissal	No Discipline
20-090	Improper Arrest Missing Property	Group I	Issued a Letter of Reinstruction Issued a Written Reprimand	Discipline Concurrence	-	-
20-094	Social Media Policy Violation	Group II	Issued a Written Reprimand	Discipline Difference	(*The CPRB Appealed the case to the Director*) Issued a 7-day Suspension	Discipline Concurrence
20-099	Lack of Service Unprofessional Conduct	Group II	Issued a Letter of Reinstruction Issued a 1-day Suspension	Discipline Difference	-	-
20-100	Unprofessional Conduct	Group I	Issued a Written Reprimand	Discipline Concurrence	-	-
20-111	Lack of Service	Group I	Dismissed the Allegation	No Discipline	(*The CPRB Appealed the case to the Director*)	No Discipline

					Upheld the Chief's Dismissal	
20-120	Excessive Force Unprofessional Conduct Failure to De-escalate Lack of Service Improper Procedure	Group I - Group III	-	-	Issued a 13-day Suspension Issued a 7-day Suspension Issued a 3-day Suspension	Discipline Concurrence
20-135	Social Media Policy Violation	Group II	-	-	Issued a 1-day Suspension	Discipline Difference
20-150	WCS Violation	Group I	Issued a 3-day Suspension	Discipline Concurrence	-	-
20-162	Lack of Service Unprofessional Conduct	Group II	Dismissed the Allegation Issued a 1-day Suspension	Discipline Difference	-	-
20-168	Lack of Service WCS Violation	Group II	Issued a 1-day Suspension Issued a Letter of Reinstruction	Discipline Difference	-	-
20-202	Lack of Service	Group I	Issued a 1-day Suspension	Discipline Concurrence	-	-
20-206	Improper Procedure	Group I	Issued a Letter of Reinstruction	Discipline Concurrence	-	-
20-214	Lack of Service	Group I	Issued a 2-day Suspension	Discipline Concurrence	-	-
20-244	Unprofessional Conduct Retaliation	Group II	Issued a Letter of Reinstruction	Discipline Difference	-	-

20-265	Unprofessional Conduct	Group I	Dismissed the Allegation	No Discipline	(*The CPRB Appealed the case to the Director*) Issued a Written Reprimant	Discipline Concurrence
20-268	Unprofessional Conduct	Group I	Issued a Written Reprimand	Discipline Concurrence	-	-
21-026	Unprofessional Conduct	Group I	Issued a Written Reprimand	Discipline Concurrence	-	-
21-028	Unprofessional Conduct	Group I	Issued a Written Reprimand	Discipline Concurrence	-	-
21-045	Unprofessional Conduct Improper Procedure	Group I	Dismissed the Allegation	No Discipline	-	-
21-060	Unauthorized Secondary Employment	Group I	Issued a 1-day Suspension	Discipline Concurrence	-	-
21-075	Lack of Service	Group I	Issued a 1-day Suspension	Discipline Concurrence	-	-
21-124	Unprofessional Conduct Improper Procedure	Group II	Issued a 10-day Suspension	Discipline Concurrence	-	-
21-152	Improper Search	Group II	Issued a 6-day Suspension	Discipline Concurrence	-	-
Total				**60.3% Concurrence**		**40.0% Concurrence**

Table 3: 2021 Discipline Concurrence

CPRB Resolutions

In two cases, where the Chief and the Director did not concur with the Civilian Police Board recommendation, the CPRB voted for a resolution to be written stating that the Board's factual findings stand unchallenged and that its legal conclusions to remain undisturbed. Below, we present the two resolutions:

CIVILIAN POLICE REVIEW BOARD RESOLUTION

The Civilian Police Review Board, on March 9, 2021, conducted a hearing on OPS #2020-0135 and sustained an allegation of Social Media Policy against Detective Steven Loomis #2416 in relation to Detective Loomis' Facebook posts that were offensive to the African-American community and the Black Shield Association, ultimately impairing discipline by superiors and harmony among co-workers and having a detrimental impact of his close working relationships, impeding the performance of his duties, and undermining the mission of the Cleveland Division of Police.

On August 27, 2021, the Director of Public Safety, Karrie Howard, found Detective Loomis "guilty" of the allegation, but amended the Group II recommendation to a Group I, claiming that the extent to which the Division's community relations were adversely impacted by his statements was unknown, and that the evidence of actual disruption since the time of the posts was lacking or had not been provided by the investigation.

In reviewing Director Howard's amendment of the allegation in OPS case #2020-0135, we note that this Board's factual findings stand unchallenged, and its legal conclusions remain undisturbed. Further, the record contained within the investigation establishes the statements' direct impact on the Division's community relations and the actual disruption caused by Detective Loomis' public disparagement of two CDP supervisory officers.

Given these unchanged circumstances, on this date, October 12, 2021, the Civilian Police Review Board hereby affirms its original conclusion in OPS case #2020-0135: Detective Loomis' statements on social media, as shown by a preponderance of the evidence, constitute a detrimental impact as it regards community relations within Cleveland Division of Police and its citizens.

Michael Hess, Chair

Michael Hess

David Gatian, Vice Chair

David Gatian

Mary Clark

Mary Clark

Michael Graham

Michael Graham

Ashley Mostella

Ashley Mostella

Ken Mountcastle

Ken Mountcastle

Roslyn Quarto

Roslyn Quarto

Chenoa Miller

Chenoa Miller

CIVILIAN POLICE REVIEW BOARD RESOLUTION

The Civilian Police Review Board, on January 12, 2021, conducted a hearing on OPS #2019-0147 and sustained allegations of Improper Arrest, Lack of Service, Failure to Conduct an Investigation, Lack of Service, Failure to Report, Improper Procedure, Wrongful Determination of Child Custody, Unprofessional Conduct, and Biased Policing against Sergeant Michael Keane #9198 for Sergeant Keane's failure to consider key components to identify a primary aggressor by relying upon a statement from a witness with a conflict of interest, failing to conduct an investigation of child abuse, failing to ensure a subordinate's report was accurate, failing to familiarize himself with Ohio child custody law by placing the Complainant's child's safety in jeopardy, engaging in conversation with an unidentified civilian about the Complainant without having an official reason to do so, and for making statements and making custodial decisions in a manner indicative of bias.

The CPRB also sustained allegations of Lack of Service, Failure to Report and Improper Procedure, Failure to Report Controversial Incident against Patrol Officer Kody Turchon #774 for Patrol Officer Turchon's failure to obtain and include the prior domestic violence history of both parties, ensure its inclusion in the incident report, and failure to complete the Domestic Violence Supplemental Form, and his failure to report the controversial allegation made by the Complainant that he removed her pants during her transport to jail.

The CPRB additionally sustained the allegation of Improper Procedure, Failure to Report Controversial Incident against Patrol Officer Thomas Makris #2180 for Patrol Officer Makris' failure to report the controversial allegation made by the Complainant that he removed her pants during her transport to jail.

On July 19, 2021, the Director of Public Safety, Karrie Howard, found Patrol Officer Turchon "guilty" of the allegations, but amended the Group II recommendations to Group I. Director Howard also found Patrol Officer Makris "guilty" of his allegation, but also amended the Group II recommendation to a Group I.

On August 9, 2021, Director Howard sustained three allegations of Lack of Service against Sergeant Keane, but dismissed the allegations of Improper Arrest, Unprofessional Conduct, and Biased Policing.

In reviewing Director Howard's dismissal and amendment of the recommendations for OPS case #2019-0147, we note that this Board's factual findings stand unchallenged, and its legal conclusions remain undisturbed.

The Board notes with particular concern Director Howard's conclusion that there was insufficient evidence to support the allegations of Unprofessional Conduct and Biased Policing against Sergeant Keane. Director Howard arrived at this conclusion despite Sergeant Keane's admission to OPS that he made the statement on which the Unprofessional Conduct allegation was based.

In dismissing the Board's Biased Policing allegation, Director Howard gave insufficient weight to Sergeant Keane's disregard of the Complainant's clearly expressed wishes regarding the temporary custody of her seven-month-old son, Sergeant Keane's suggestive and leading questions toward the Complainant's five-year-old son, and Sergeant Keane's failure to note or consider the adult male's domestic violence history and unquestioning acceptance of the adult male's story.

Based on the above information and other evidence presented from the OPS investigation, the Civilian Police Review Board hereby affirms its original conclusion in OPS case #2019-0147: Sergeant Keane, in additional to failing to conduct a careful investigation, failing to ensure an accurate incident report and failing to enforce Ohio custody law, also made an Improper Arrest, engaged in Biased Policing and Unprofessional Conduct, all in violation of Cleveland Division of Police policy and procedure.

Michael Hess, Chair

Michael Hess

David Gatian, Vice Chair

David Gatian

Mary Clark

Mary Clark

Michael Graham

Michael Graham

Ashley Mostella

Ashely Mostella

Ken Mountcastle

Ken Mountcastle

Roslyn Quarto

Roslyn Quarto

Chenoa Miller

Chenoa Miller

Complaints by Police District and Bureau

A breakdown of the 324 complaints by CDP District and Bureau is depicted in *Figure 12*. Police Districts received the vast majority of the complaints filed with OPS in 2021 (293 or 90.4 percent). Specifically, the 2nd Police District had the highest number of complaints in 2021 (74 or 22.8 percent), followed by the 4th Police District (63 or 19.4 percent), the 5th Police District (60 or 18.5 percent), the 3rd Police District (53 or 16.4 percent), and the 1st Police District (43 or 13.3 percent).

Police Bureaus received a total of 12 complaints (or 3.7 percent) in 2021. Specifically, the Bureau of Special Investigations had the highest number of complaints among all Bureaus (5 or 1.5 percent), followed by the Bureaus of Traffic (2 or 0.6 percent), the Bureau of Communications and Property Control (2 or 0.6 percent), the Bureau of Support Services (2 or 0.6 percent), and the Bureau of Compliance (1 or 0.3 percent).

Where Complaint Incidents Occurred

The map, in *Figure 13*, depicts the distribution of citizen complaint incidents within the limits of the city of Cleveland. Of note is the fact that a number of complaints were received from addresses outside of the city limits (involving, for instance, off-duty officers), and that many complaints received by OPS were not tied to a specific physical location (because, for instance, the alleged harassment took place over the phone) and thus cannot be depicted on the map.

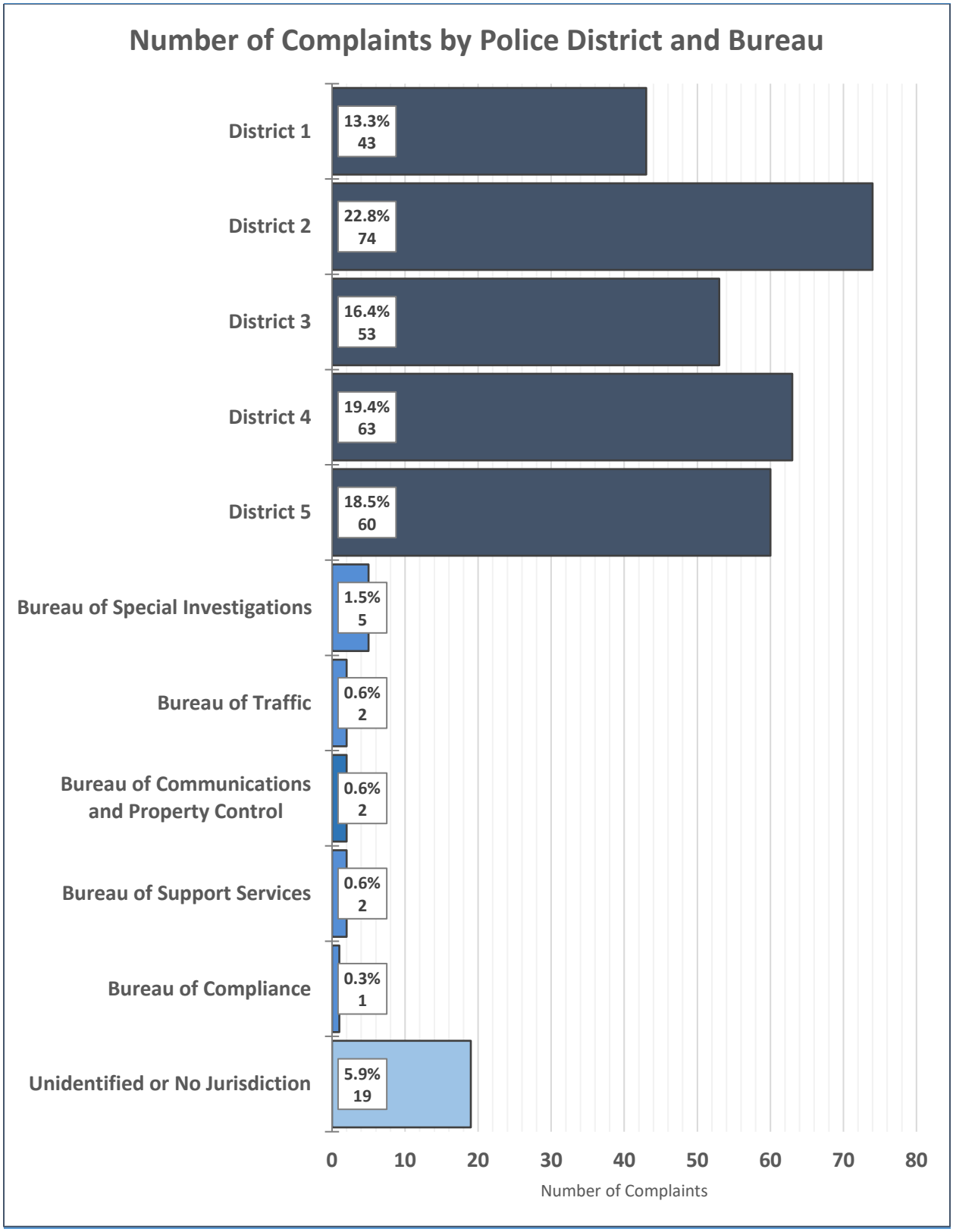


***Figure 12**: Number of Complaints by Police District and Bureau in 2021*

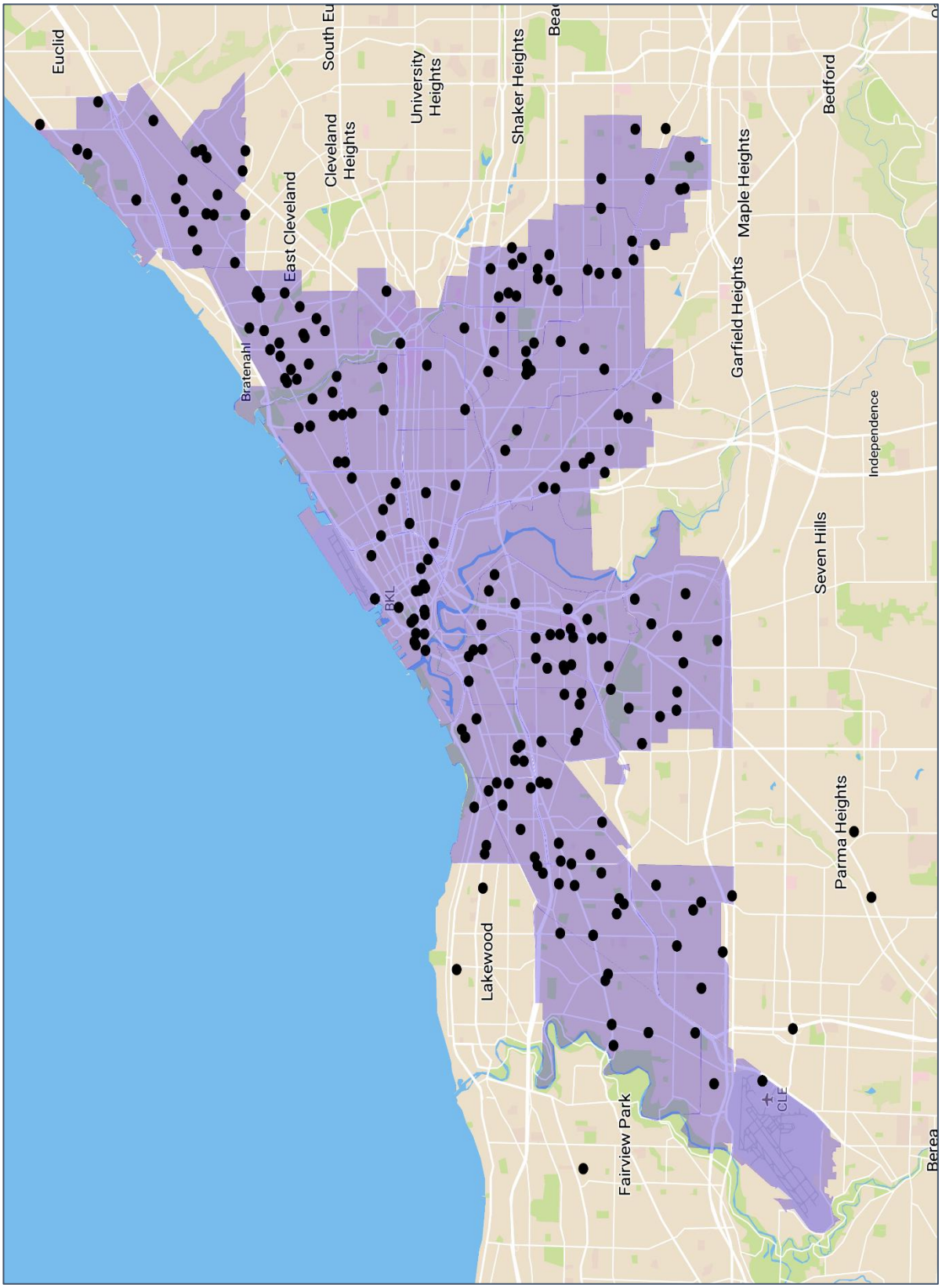


***Figure 13**: Where 2021 Complaint Incidents Occurred*

Primary Allegation and Officer Rank by Police District

In 2021, "Unprofessional Behavior/Conduct" and "Lack of Service / No Service" were the two most frequent primary allegations against officers of the **First Police District** (*Table 4*). The vast majority of the officers receiving complaints in the first district had the rank of Patrol officer (66.7 percent), followed by Sergeant (12.3 percent), and Detective (7.0 percent).

District 1		
Allegation	***#***	***%***
Unprofessional Behavior/Conduct	22	51.2%
Lack of Service / No Service	14	32.6%
Improper Procedure	5	11.6%
Excessive Force	1	2.3%
Harassment	1	2.3%
Total	**43**	**100.0%**

***Table 4**: Primary Allegations in District 1*

The most frequent primary allegations against officers of the **Second Police District** were "Unprofessional Behavior/Conduct", "Lack of Service", and "Improper Procedure" (*Table 5*). Patrol officers received the majority of complaints (66.3 percent) in the second district, followed by Detectives (22.1 percent), and Sergeants (9.3 percent).

District 2		
Allegation	***#***	***%***
Unprofessional Behavior/Conduct	23	31.1%
Lack of Service / No Service	19	25.7%
Improper Procedure	15	20.3%
Harassment	8	10.8%
Biased Policing	6	8.1%
Missing/Damaged Property	3	4.1%
Total	**74**	**100.0%**

***Table 5**: Primary Allegations in District 2*

In the **Third Police District**, the allegations of "Unprofessional Behavior/Conduct", and "Lack of Service" were the most frequent. Patrol officers received the vast majority of the complaints (70.2 percent) in the third district, followed by Sergeants (17.0 percent) and Detectives (10.6 percent).

District 3		
Allegation	***#***	***%***
Unprofessional Behavior/Conduct	25	47.2%
Lack of Service / No Service	14	26.4%
Improper Procedure	7	13.2%
Harassment	5	9.4%
Biased Policing	1	1.9%
Missing/Damaged Property	1	1.9%
Total	**53**	**100.0%**

***Table 6**: Primary Allegations in District 3*

The most frequent allegations in the **Fourth Police District** were "Lack of Service", "Unprofessional Behavior/Conduct", and "Improper Procedure". Patrol officers received most of the complaints (70.3 percent), followed by Detectives (21.9 percent) and Sergeants (6.3 percent).

District 4		
Allegation	***#***	***%***
Lack of Service / No Service	23	36.5%
Unprofessional Behavior/Conduct	17	27.0%
Improper Procedure	11	17.5%
Harassment	7	11.1%
Excessive Force	2	3.2%
Missing/Damaged Property	2	3.2%
Biased Policing	1	1.6%
Total	**63**	**100.0%**

***Table 7**: Primary Allegations in District 4*

The **Fifth Police District** had the allegations of "Unprofessional Behavior/Conduct", "Lack of Service", and "Improper Procedure" as the most frequent. In terms of officer rank, Patrol officers received the vast majority of complaints (83.1 percent), followed by Detectives (8.5 percent), and Sergeants (5.1 percent).

District 5		
Allegation	***#***	***%***
Unprofessional Behavior/Conduct	27	45.0%
Lack of Service / No Service	15	25.0%
Improper Procedure	13	21.7%
Excessive Force	2	3.3%
Harassment	1	1.7%
Biased Policing	1	1.7%
Missing/Damaged Property	1	1.7%
Total	**60**	**100.0%**

***Table 8**: Primary Allegations in District 5*

Finally, the various **Bureaus** had "Unprofessional Behavior" as the most frequent primary allegation. In terms of rank, Detectives received most of the complaints (40.0 percent), followed by Sergeants (20.0 percent), and Lieutenants (10.0 percent).

District 5		
Allegation	***#***	***%***
Unprofessional Behavior/Conduct (Against the Bureaus of: Traffic, Special Investigations, Communications and Property, Compliance, Support Services)	9	75.0%
Lack of Service / No Service (Against the Bureaus of: Support Services, Special Investigations)	2	16.7%
Harassment (Against the Bureau of Special Investigations)	1	8.3%
Total	**12**	**100.0%**

***Table 9**: Primary Allegations in Bureaus*

Characteristics of Complainants

The Office of Professional Standards has information on 325 individuals who filed complaints with the Office in 2021[13]. In terms of race, 67.1 percent of the complainants were black, and 20.9 percent were white[14] (*Figure 14*). In terms of gender, most complaints were filed by women (53.6 percent) (*Figure 15*). Finally, in terms of age, the majority of complainants were between the ages of 35 to 54 (43.9 percent). The average age of complainants in 2021 was 43 years of age (*SD* = 13 years, *Mdn* = 41 years, min = 13 years, max = 77 years) (*Figure 16*).

In 2021, sixteen (16) people filed more than one complaint with the Office of Professional Standards. Specifically, one person filed 10 separate complaints, one person filed 4 separate complaints, three persons filed 3 separate complaints, and eleven people filed 2 separate complaints.

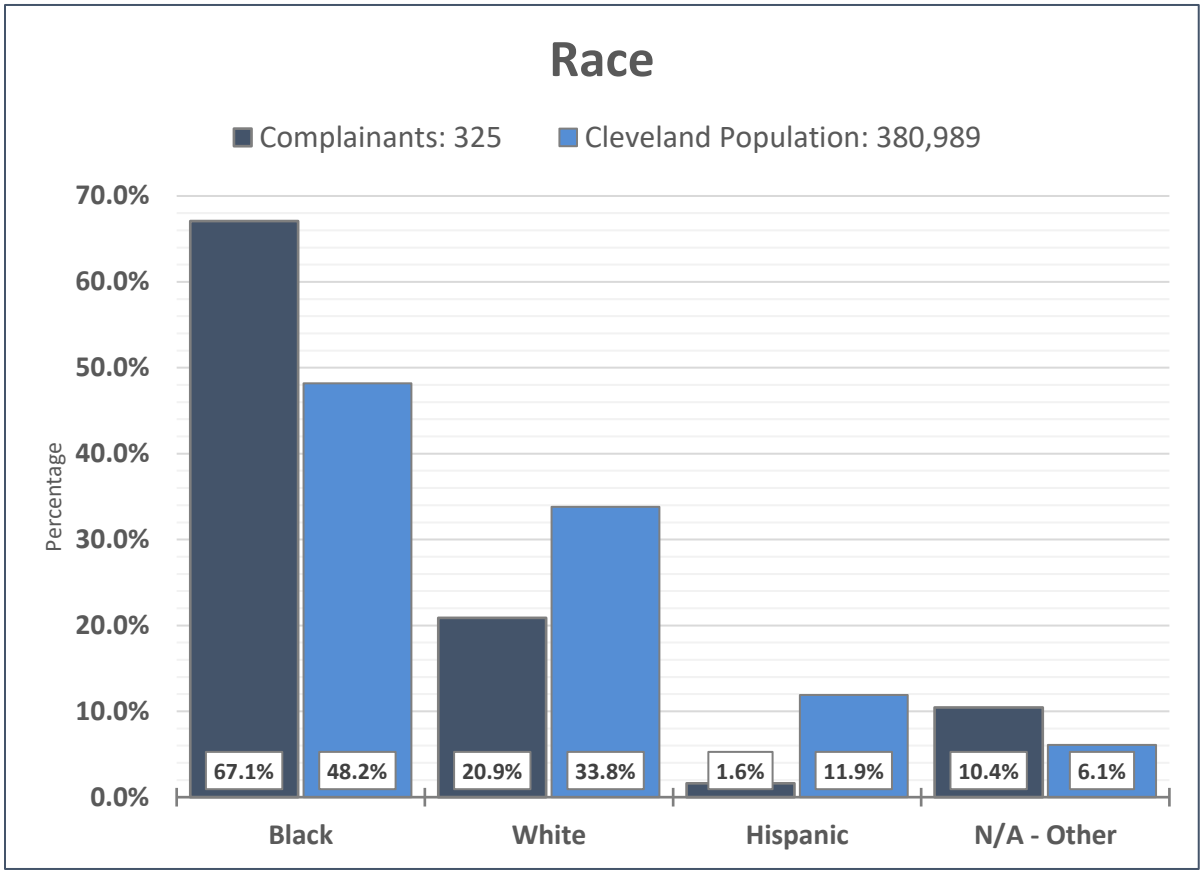


***Figure 14**: Race of Complainants in 2021*

[13] Citizen complaints can be filed anonymously and citizens can refuse to answer questions about their demographic characteristics. Also, a complaint filed with OPS might have more than one complainant.
[14] The Cleveland population statistics are based on the 2019 American Community Survey (ACS) 1-year Estimates. For more information see: https://data.census.gov/cedsci/.

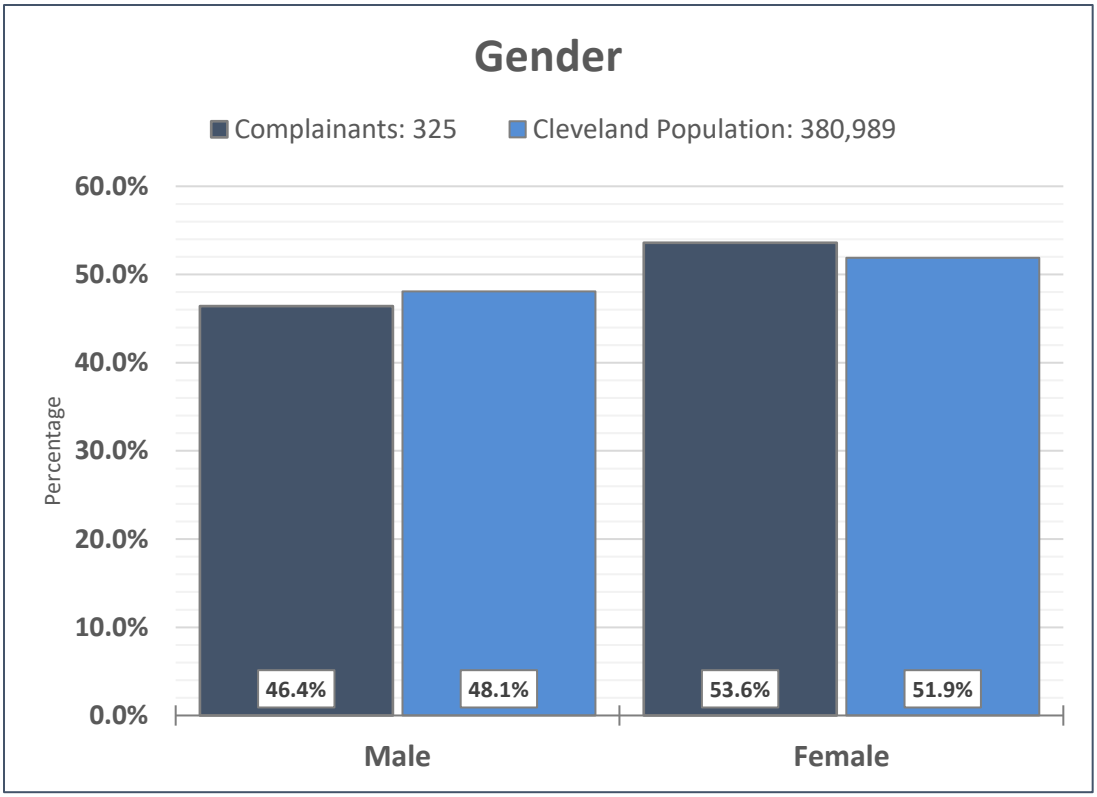


Figure 15: Gender of Complainants in 2021

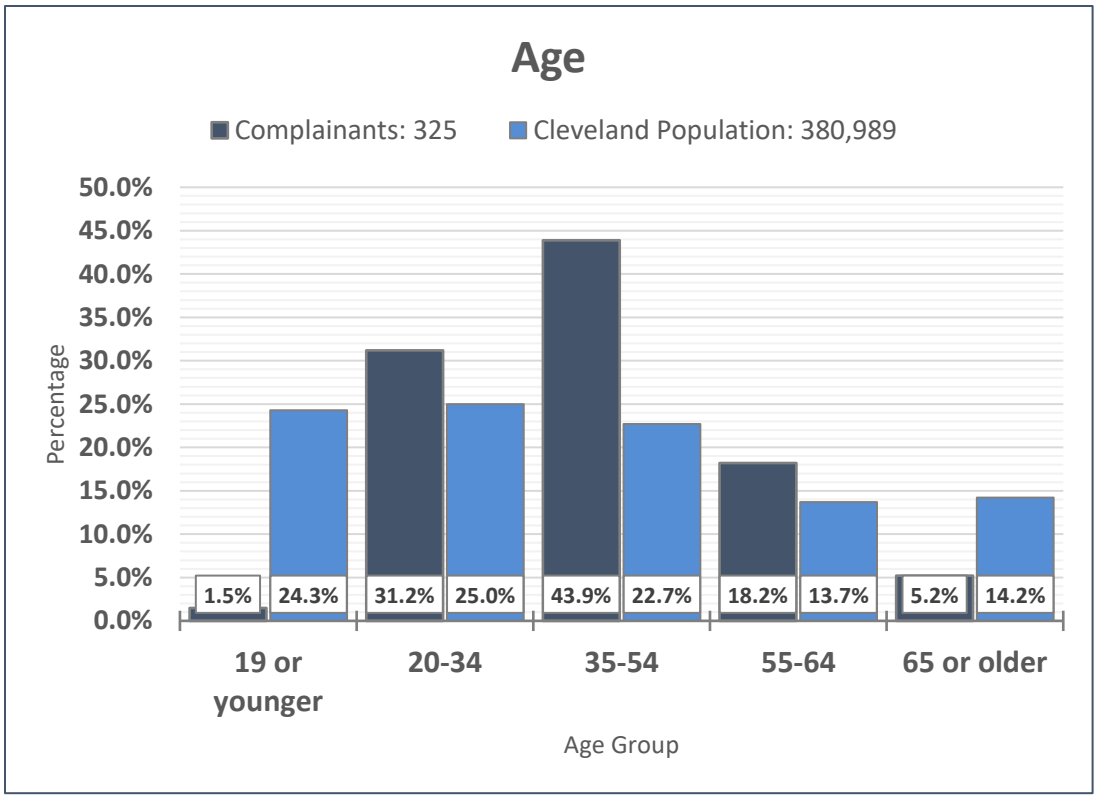


Figure 16: Age of Complainants in 2021

Characteristics of CDP Employees

A total of 323 CDP employees[15] received complaints in 2021, with 49 employees receiving more than one complaint. Specifically, 40 CDP employees received two complaints, 7 employees received three complaints, 1 employee received four complaints, and 1 employee received five complaints.

In terms of race, White CDP employees received the majority of complaints (64.2 percent), while Blacks followed with 24.5 percent and Hispanics with 9.4 percent (*Figure 17*).

In terms of gender, males received the vast majority of complaints (77.1 percent) compared to females (22.9 percent) (*Figure 18*).

In terms of age, the groups that received most complaints were: 20-34 years of age (46.6 percent), followed by 35-54 (41.9 percent). The average age of a CDP employee receiving a complaint in 2021 was 42 years of age (*SD* = 11 years, *Mdn* = 42, min = 21 years, max = 65 years) (*Figure 19*).

Finally, in terms of tenure, CDP employees with 1-5 years (46.7 percent) and those with 6-10 years (16.9 percent) on the job received the majority of the complaints in 2021 (*Figure 20*).

[15] In a number of OPS cases, the exact number of involved officers in the complaint has not been finalized as of the writing of this report. So, it is reasonable to assume that this number is going to change upwards as the investigations progress in 2022.

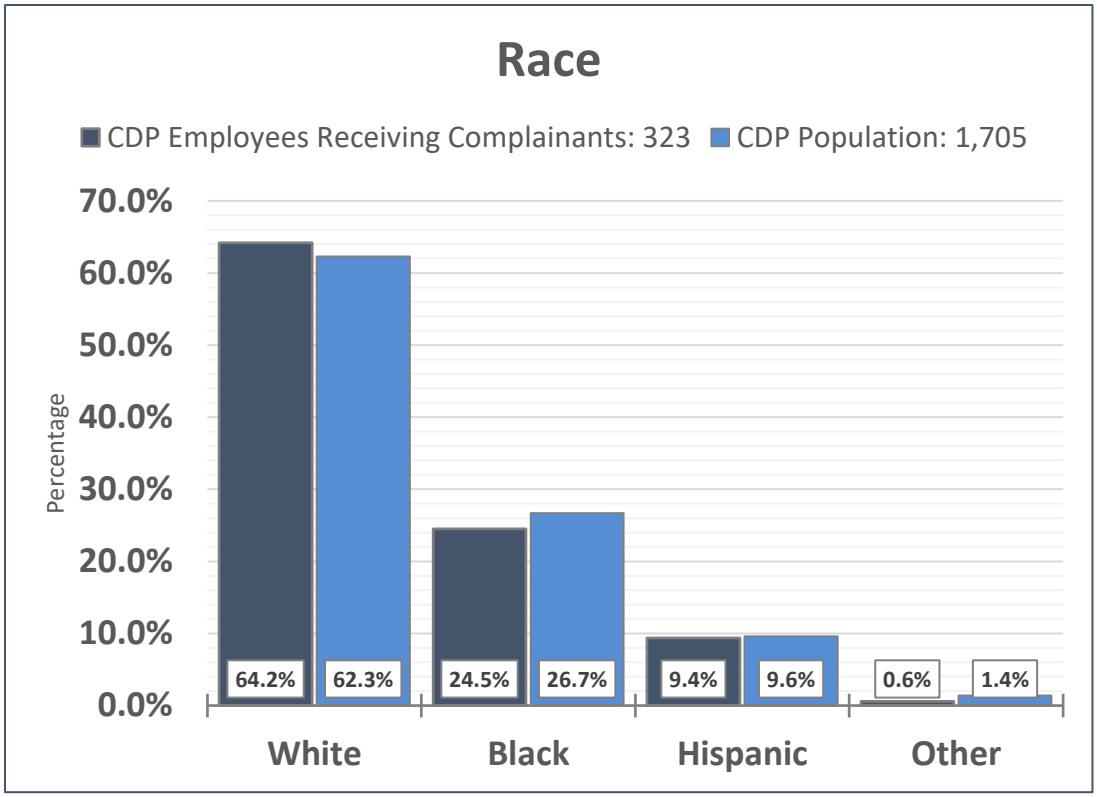


Figure 17: Race of CDP Employees Receiving Complaints in 2021

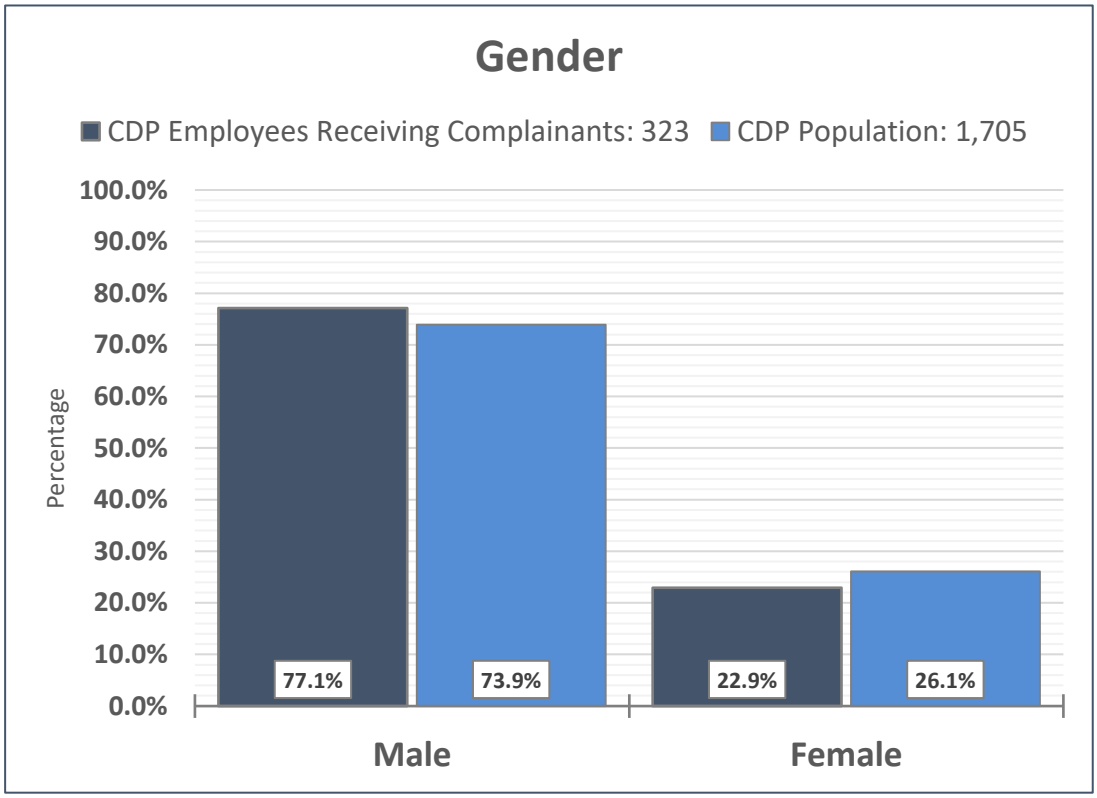


Figure 18: Gender of CDP Employees Receiving Complaints in 2021

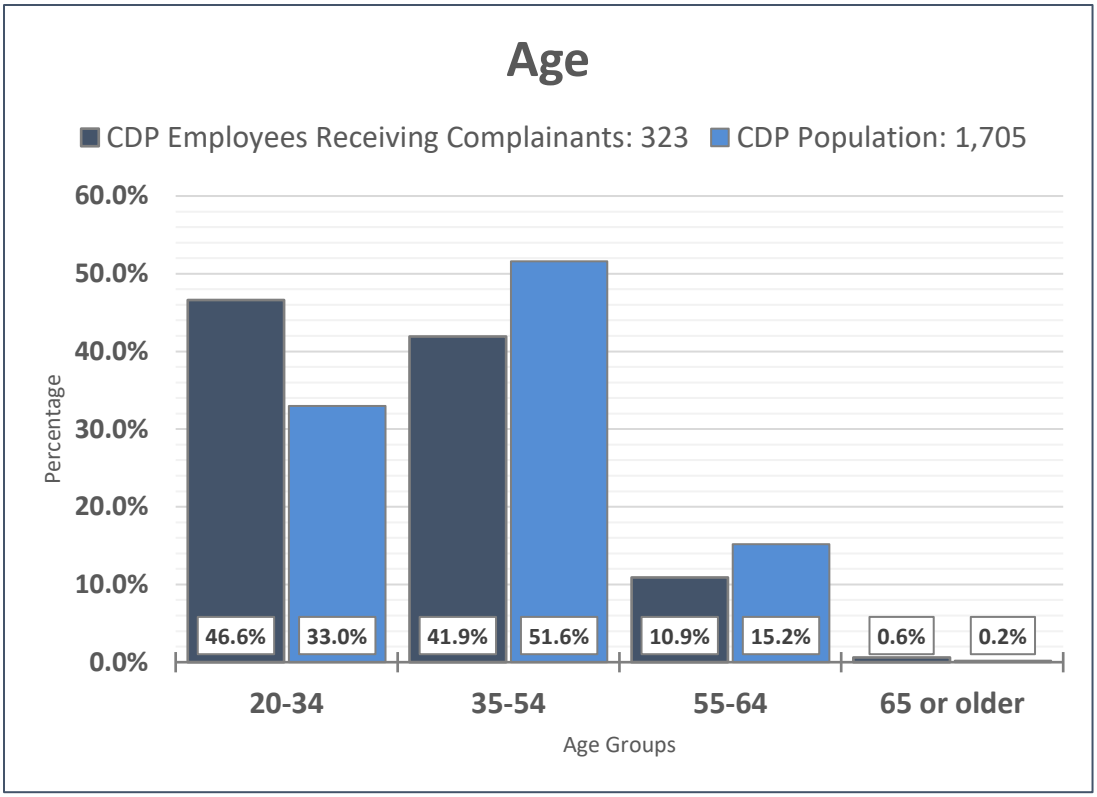


Figure 19: Age of CDP Employees Receiving Complaints in 2021

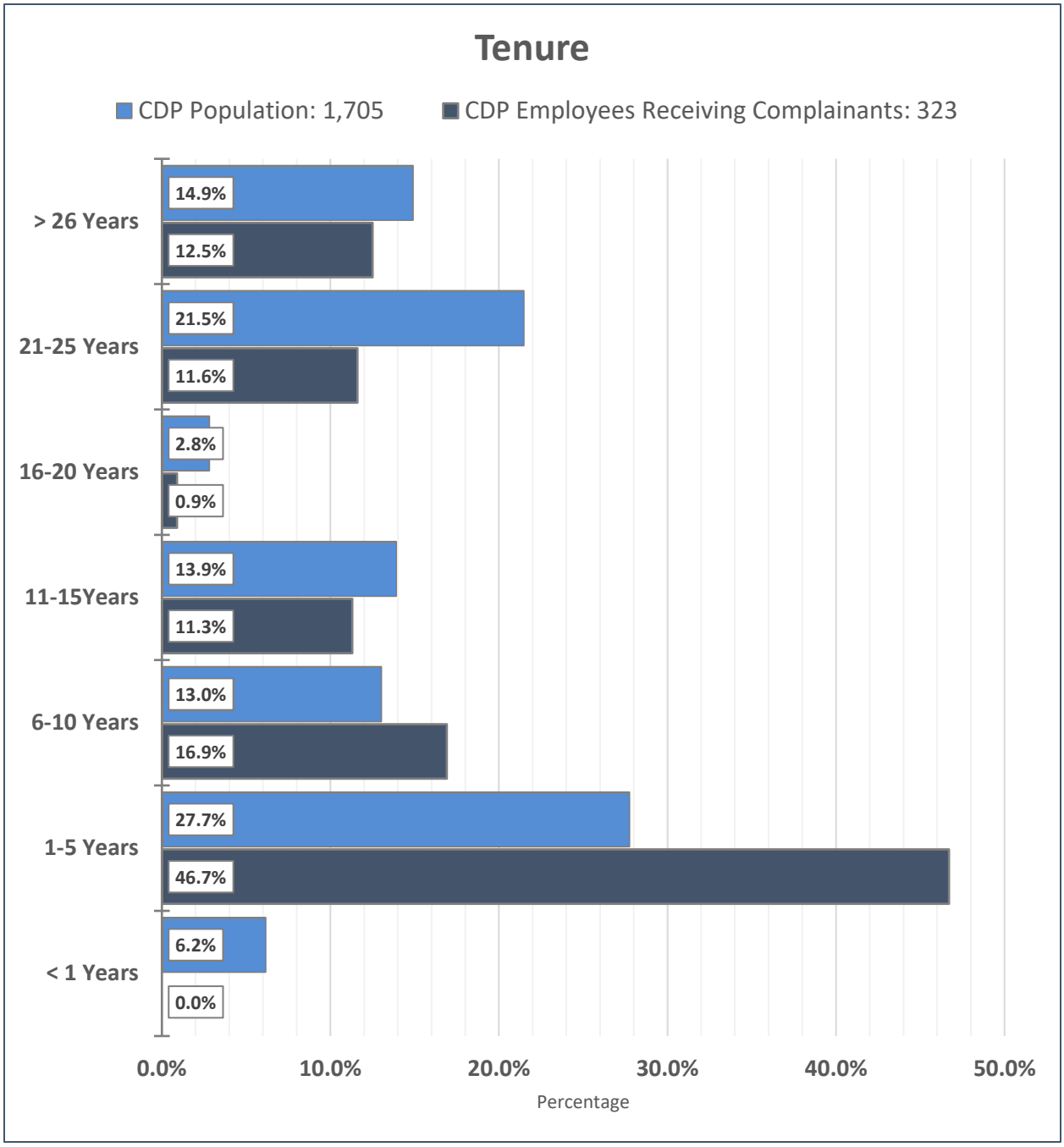


Figure 20: Tenure of CDP Employees Receiving Complaints in 2021

Complainant and CDP Employee Demographic Pairings

The most frequent complainant-officer pairings in 2021, were black complainants filing complaints against white officers, which accounted for 37.7 percent of the complaints received. Black complainants filing complaints against black officers accounted for 17.6 percent of all complaints received, and white complainants filing complaints against white officers accounted for 15.9 percent of the complaints received. The full list of pairings is presented on *Figure 21*, below.

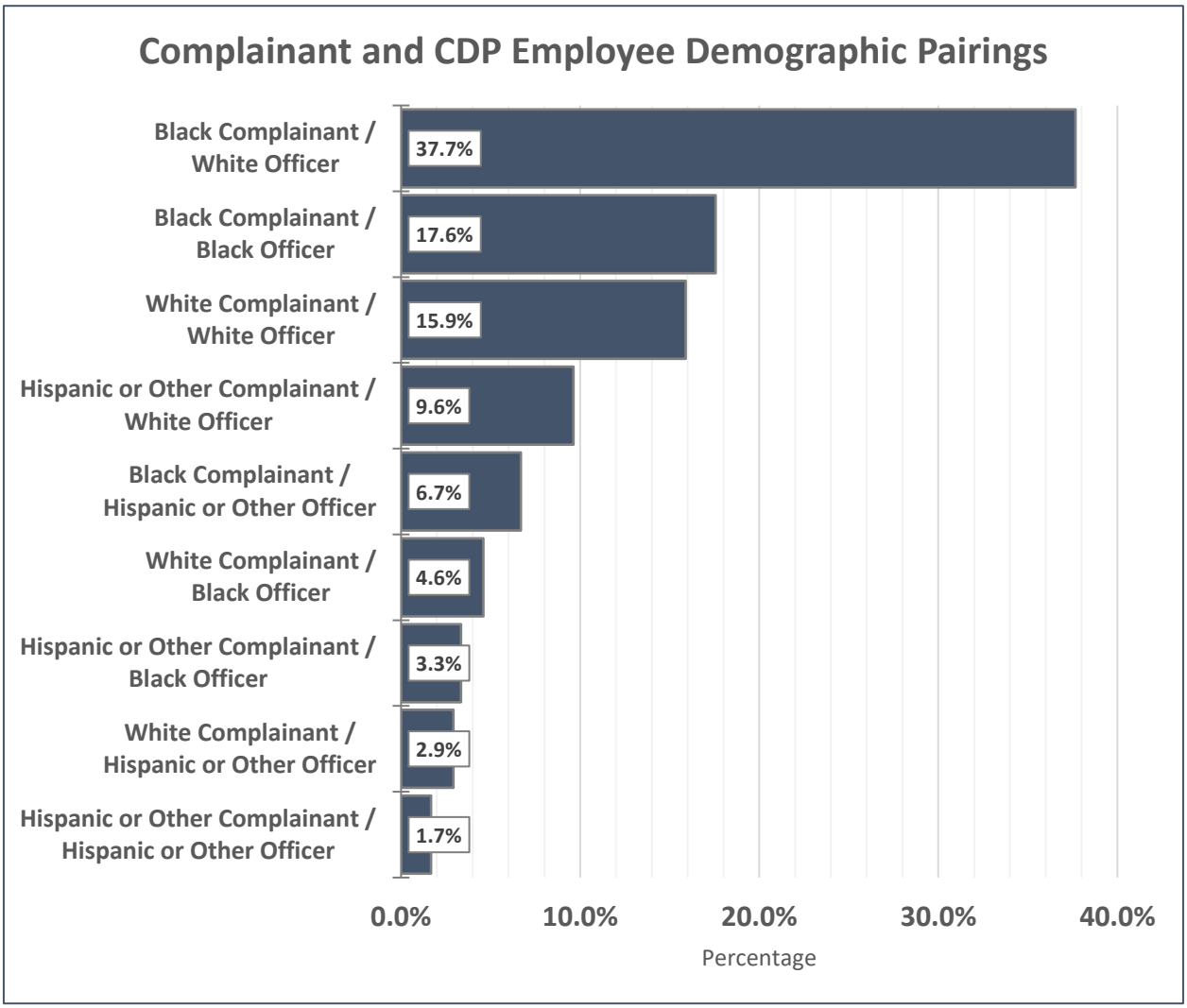


***Figure 21**: Complainant and CDP Employee Pairing in 2021*

OPS 2021 Year in Review

OPS Staffing

Hires:

During 2021, OPS hired two investigators on a temporary basis:

Maryum Ali, Investigator
Maryum Ali joined OPS as an Investigator in May 2021. She has over 15 years of Investigative experience. Previously, she worked as a Certified Ombudsman and Transition Coordinator with Long Term Care Ombudsman. Prior to this, Maryum was a Child Protective Social Worker with Cuyahoga County Children and Family Services. Maryum received her Bachelors of Arts degree from Ursuline College.

Hercules Harris, Investigator
Hercules Harris joined OPS as an Investigator in June 2021. He has over 17 years of investigative experience. Prior to joining OPS, he worked for the State of Ohio for 7 years. He worked as an Investigator for the Bureau of Motor Vehicles and a Parole Officer for the Adult Parole Authority (Sex Offender Unit). Prior to working in the public sector, he spent 10 years in the private sector conducting investigations related to internal and external theft. He holds a Master of Science degree in Criminal Justice with a concentration in Crime Analysis from Tiffin University.

Resignations:

During 2021, OPS received the resignations of the Administrator, **Roger C. Smith**, who became the director of the newly established Office of Accountability and Transparency (OAT) at the City of Phoenix, Arizona. Also, the resignation of the Community Engagement Coordinator, **Shayla L. Davis**.

OPS Staff Training

Staff Member	Subject Matter	Training Source	Dates
A. Merritt **D. Hammons** **J. Delaney** **R. Smith** **S. Kodellas**	NACOLE Annual Training Conference	Civilian Oversight Practitioners	December 12-16, 2021

Community Outreach

The Mission of the Office of Professional Standards include increasing awareness throughout local communities about the agency, its purpose, and the process for filing police misconduct complaints against CDP employees.

To help increase awareness, the Office of Professional Standards welcomes opportunities to conduct and take part in community outreach activities that allow OPS staff to communicate information about the civilian oversight process in the City of Cleveland. Specifically, the Office of Professional Standards offers presentations to community centers, community organizations, high schools, community colleges, universities, sports clubs, churches, neighborhood groups, business associations, and local agencies.

In 2021, consistent with social distancing requirements, OPS was again not able to conduct face-to-face meetings and presentations and focused primarily upon outreach activities through social media, such as Twitter and Facebook.

In December 2021, Investigators Anitra Merritt, David Hammons, Julie Delaney and the former Administrator Roger Smith presented at the 2021 National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference that took place in Tucson, Arizona. Their presentation was titled: “Conducting Investigations in a Politically and Racially Charged Environment”.

Figure 22: OPS Members present at the 2021 Annual NACOLE Conference

Status of achievement of 2021 goals

The Office of Professional Standards had set three main goals for the 2021 calendar year: To reduce the active caseload by 20 percent, to restart the mediation workgroup, and to hire a General Manager. Unfortunately, none of the three goals were achieved. First, the hiring of two temporary investigators, midyear, was unable to counteract the significant increase of complaints received during the 2021 calendar year. As a result, OPS finished the year with a similar caseload as it started (around 195 active investigations). Second, COVID-related constraints on city services made it impossible for OPS to restart the mediation workgroup and continue making progress toward the development of a mediation program. Third, OPS was unable to hire a General Manager since the City of Cleveland Department of Public Safety unilaterally took this position out of the 2021 OPS budget. As a result, OPS has been without a General Manager since March 2020.

Goals for 2022

The Office of Professional Standards has set two main goals for the 2022 calendar year:

Hire an Administrator

The OPS Administrator position, vacant since November 2021, plays a pivotal role in all aspects of OPS operations: From overseeing the budget and the investigations, to developing training and performance evaluations. This continuing vacancy hinders the agency's ability to effectively pursue all Consent Decree goals relevant to the OPS.

Hire a General Manager

The OPS General Manager position, vacant since March 2020, represents one-third of the office's supervisory staff and plays a pivotal role in nearly all aspects of OPS operations. This continuing vacancy has created undue pressure on OPS support staff and investigators.

Hire Investigators

Calendar year 2021 was the second consecutive year that the complaints increased significantly. As a result, the Office of Professional Standards will need to hire additional investigators to keep up with the increased number of complaints.

Reduce Backlog

In 2022, OPS will intensify its efforts to reduce the over a year old active investigations. At the time of this writing, 18.23% of the OPS active investigations are over a year old. This is without a doubt a

concern and a priority for OPS that will be addressed in 2022 with additional training and an increase in investigative personnel.

Timeliness of Investigative and Adjudication Processes

In 2022, OPS, in conjunction with the Cleveland Division of Police (CDP), will work together to create a process that addresses timeliness goals for each stage of the investigative and adjudication process for community complaints against CDP officers and employees.

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& Civilian Police Review Board

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