

# Documenters

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## Community Police Commission Public Meeting

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Agency: [Cleveland Community Police Commission](#)

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### Summary

- Christopher Viland, the superintendent of Internal Affairs for the Cleveland Division of Police (CDP), and Marcus Perez, the administrator for the Office of Professional Standards (OPS), explained their organizations' review processes.
- Commissioners questioned whether Internal Affairs would handle criminal cases outside of Cleveland that involved CDP officers. Viland said they would handle the administrative portion of the case.
- In response to a question from Commissioner Teri Wang, Viland said that commissioners should go through the public records request process to obtain case files from Internal Affairs.
- Cleveland Community Police Commission (CPC) Interim Executive Director Jason Goodrick talked about the CPC committees' 18-month work plans. [These work plans will be posted and available for public comment](#) for the next two weeks

### Notes

Cleveland Public Library, Hough branch

6:01 p.m.

#### [Commission members:](#)

Kyle Earley, Shandra Benito, John Adams, Gregory Reaves, James M. Chura, Jan Ridgeway, Piet van Lier, Audrianna Rodriguez, Teri Wang, Sharena Zayed, Cait Kennedy, Charles Donaldson Jr., Alana Garrett-Ferguson

Cleveland City Council Member Stephanie Howse of Ward 7 gave a brief introduction and went over community agreements.

Roll call: Adams, Benito, Chura, Donaldson, Earley, Garrett-Ferguson, Reaves, Ridgeway, van Lier, Wang, Zayed, Rodriguez. Quorum met.

They began with public comment, but nobody spoke at that time.

There were two guest speakers doing presentations on the practices of police investigations: Christopher Viland and Marcus Perez. Twelve commissioners were seated at the table on the left and 12 attendees on the right.

Viland is the superintendent of Internal Affairs for the Cleveland Division of Police (CDP). He said he comes to this position with a lifetime of police-related experience but is currently a civilian (which is a requirement of the position). There are seven investigators (all sergeants), one supervisor, and one administrative assistant working for him. Internal Affairs is responsible for investigating serious officer misconduct and is also the home of the Force Investigation Team (looking at use of force issues). Internal Affairs does not review external citizen complaints about police department employees—those are handled by the Office of Professional Standards (OPS). However, referrals from that office are made in the event there is a possibility of criminal misconduct.

Viland explained the bifurcated nature of Internal Affairs investigations. He said an employer cannot require that an employee provide information that would incriminate themselves in a criminal investigation (*Garrity v. New Jersey*, 1967). The solution is to split investigations into two parts, criminal and administrative. The different investigators cannot share information with each other. Almost all Internal Affairs investigations fall under both categories of investigation, he said.

Internal Affairs does not investigate former employees but will bring all cases to their conclusion, even if the people involved no longer work for the city.. Viland said the administrative portion is completed in order to provide a public record for background information and to use in potential re-hire situations.

Investigations into the use of force are conducted by a group called the Force Investigation Team (FIT), which includes not only Internal Affairs but also members who work in the Homicide Unit, the Crime Scene and Records Unit, and the OPS.

This team investigates all Level 3 uses of force, including force that causes or may cause death, hospitalization, loss of consciousness, or other serious physical harm; all neck holds; head strikes (as with a fist); and any incident of more than three Taser applications or one that is longer than 15 seconds.

FIT also investigates all firearms discharged, including use of deadly force by members of outside agencies.

Viland explained that when there is a use of force investigation, this usually means there are four and sometimes five different investigations going on simultaneously.

There can be:

- A criminal conduct investigation into whether the citizen/subject in question committed a crime or not—the original incident that led to the police getting involved
- An investigation into the use of force
- An administrative investigation
- An investigation into potential criminal conduct of the officer to determine whether the officer committed a crime
- Often there is an administrative review of the entire criminal investigation itself

When there is a death, the Cuyahoga County Sheriff's Department brings the entire team to conduct the criminal investigation, while FIT conducts a parallel administrative investigation.

“So you know, the disciplinary scheme that's been developed for the Division is roundabout.” Viland explained that various models have been developed and used throughout the years, and he compared the complexity to the IRS tax code. He said this is why it often takes a long time for investigations to come to their conclusions, because there may be many different departments involved and things can get backed up at any one of them. This ended Viland's presentation.

Next up was Perez, the administrator for the Office of Professional Standards (OPS). He said he is quite new to this position, as he has only been the administrator for a few months. He began by emphasizing that the OPS is “getting back into taking care of people” and that is what this is all about. He said things have been changing swiftly over the years, especially due to COVID and the restrictions that came with that. He went over his background and family history.

He retired from the military after 22 years and came to the Office of Professional Standards. The OPS is an independent agency that receives and investigates non-criminal complaints filed by residents and recommends action to the Civilian Police Review Board (CPRB).

Perez said he wants to make sure that his office is transparent to the community, and he wants the public to be engaged with the people in his office and with the whole process.

Perez provided a slide showing the two sections in the amended Consent Decree, dated March 11, 2022, that specifically address the OPS duties. Section 193 says the “OPS will investigate all complaints of police misconduct it receives,” and Section 220 says the OPS “will attempt to interview each complainant in person, and where appropriate, this interview will be recorded in its entirety, absent a specific, documented objection by the complainant.”

“The mission of OPS 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” is the mission statement Perez showed on a slide.

The types of complaints the OPS deals with include: lack of service, improper procedure, unprofessional conduct, harassment, biased policing, missing/damaged property, and excessive force.

Complaints the OPS does not deal with include non-CDP employees, unidentifiable officers, traffic/parking issues, unavoidable workload delay, and off-duty conduct.

Perez said the three main things the OPS does are: investigations, providing assistance, and teaching/training. Providing assistance means anything from assisting in public records requests to how to go about recovering a towed vehicle or how to get someone’s property back from the jail, for example. There is an OPS manual, and Perez created a flowchart reflecting what actions are to be taken based on the nature of a complaint.

First and foremost, Perez said that most people just need to be heard, so “Let them talk. Allow them to have their piece” and “allow them to come up with their decisions on how we go forward.” This part of the process (contacting residents who submit complaints) is done by Perez himself within three days of receiving the complaint at OPS.

Then, the case is assigned to an investigator, who has five days to contact the original complainant. Perez tells each complainant when he speaks with them that they should call him back if an investigator has not contacted them within five days.

Each case is classified as standard, complex or dismissed. Right now, the office has a backlog. But they are working their way through it and can hire more people if needed, he said.

Regardless, after 45 days, they do follow up with the complainant to let them know what the current status of their case is and whether it has been completed or is ongoing and if it has been classified as a complex case.

The OPS reports to the CPRB with the completed cases, and briefs the original complainant on a summary of their case. Perez said complainants will not be told what the OPS recommendations were (sustained, unfounded, insufficient, etc.), only that the case is closed. The complainant does have the option to speak at the CPRB hearing, and these cases are now given priority.

All of the investigation briefs are posted for the public to see. There is often a policy or training recommendation that is formally typed up before the case ever goes in front of the CPRB. OPS puts the recommendation online so that the public can provide feedback for 15 days. Then the recommendation goes to the CPRB.

Perez gave his “90-Day Overall Assessment” (90 days being the length of time he has held this position).

“We’ve lost touch with the community,” he said. He added that when he started, he saw that the OPS department was not going out in the community and doing their jobs like they should have been.

Perez said the caseload is huge, the staff is small, and they have had to make hard choices. He said he wants to get back to having OPS be a professional, trustworthy agency that is there to protect the people’s rights. He said they have a lot of training to do and there are a lot of relationships that need to be rebuilt.

Perez’s presentation ended just a few minutes before 7 p.m. Then the two presenters took questions from the commissioners.

Chura asked for clarification on how the administrative vs. criminal departments are kept separate.

Viland said that they keep the paperwork separate if the investigations are run parallel; otherwise they are separated by time, first doing the criminal and then the administrative investigation.

Chura asked about the use of deadly force, and Viland said that “all of the disciplinary specifications come from us” but that the Homicide Unit will investigate the criminal aspect and the Cuyahoga County Prosecutor is contacted immediately by phone as well. Prosecutors from outside the county are also contacted via phone.

Garrett-Ferguson: Does the OPS make the recommendations on disciplinary actions, or does CPRB decide on that after they are handed the final results of the OPS investigation?

Perez said that his department makes recommendations and includes those with the final packet sent to CPRB. He clarified later that OPS does not use the “disciplinary matrix” but in fact just determines whether the allegations are sufficient, insufficient, founded, sustained, or unfounded.

OPS also makes training and policy recommendations. But as to the actual disciplinary actions, that is up to the CPRB. However, he emphasized the importance of having the person who made the initial complaint come to the CPRB hearing so they can speak up if there is a discrepancy in what is being said and to hold investigators responsible for what they wrote in their report and whether it accurately reflects what the complaint was about.

Garrett-Ferguson asked if they work directly with the police on the policy recommendations, and Perez said that because the policy is a live document, they absolutely have to work with police directly. If the policy they are recommending based on an older case has already been updated, then their recommendation becomes irrelevant.

Benito asked Viland about how domestic violence cases are investigated. Viland said that if an incident takes place outside their jurisdiction, then the criminal investigation is done by that department and Internal Affairs oversees that investigation from beginning to end before doing an administrative investigation. The officer must report that he is under investigation to his supervisor and to Internal Affairs. Viland said that “it is not rare” that other prosecutors are not willing to prosecute a police officer, so a criminal charge may not come out of that. He said that it is up to Internal Affairs to pursue an

administrative disciplinary action based on the rule that officers are not supposed to violate the law.

If domestic violence is reported inside the city, Internal Affairs in fact becomes the primary criminal investigator on the case and then follows that with the administrative investigation.

Adams asked if this applies to other types of cases, such as drunk driving or assault. Viland emphasized that Cleveland Police do not have any misdemeanor arrest powers outside the City of Cleveland. In cases involving assault, disorderly conduct, and other misdemeanors, they must rely on those other jurisdictions to prosecute. However, if the outside jurisdiction does not pursue criminal charges, Internal Affairs will pursue the administrative cases to their conclusion.

Wang pulled up the [Monitors report](#) showing, she said, that as of March 2023 there was a lot of non-compliance and partial compliance in these departments. She asked what has changed since that time.

Viland said they have not been audited on current practices, and especially in use-of-force cases they have significantly changed how they do things.

Wang asked why their caseload has gone up, and Viland said that there probably has been an increase in cases because Viland himself is more tight with his interpretation of officers reporting other officers' conduct, so things that might have flown under the radar are now being investigated fully.

Wang also asked for an update on the harassment and bias allegations from 2021. As of the 2023 report, there is still no update. Viland agreed that the lack of follow-through on these investigations was a failure. He said his department now oversees and parallels the investigations that human resources is conducting so that doesn't happen.

Wang also asked about how long it takes to finish an Internal Affairs investigation, and Viland said it is typically 60 days but could be longer if there are factors outside Internal Affairs's control.

Wang asked Perez how his department has improved in regards to being community-oriented, and he said OPS came up with a Strategic Community Awareness Plan.

“There wasn’t any community engagement going on” when he first started at OPS, and that is one of the office’s main focuses right now. He emphasized that there are a lot of communities and informal community leaders who are a great source of information and insight that his department needs to tap into. Also, he said several new staff will be assets as well.

Wang asked about the statement that was made in a findings letter from CPRB in 2023 that “the findings of CPRB are final.” She expressed concern about that because that sentence is not necessarily true, as there are other avenues of appeal available to the community. She asked if Perez is conveying that fact to the community, to the people who are filing complaints with the OPS. She said she wants to make sure that people know that there are other options and that the findings of CPRB are not necessarily final.

Perez said he does not have the knowledge or the authority to speak on this.

Finally, Wang asked what the best procedure is for the commissioners to request records from OPS and from Internal Affairs, since the commissioners are not supposed to go through the usual public records requests path.

Viland said that while an investigation is ongoing, the records cannot be released. But once the investigation is completed, they would prefer that requests go through the public records process because of all the redaction that has to be done.

Wang pointed out that the CPC has been authorized to have access to more than what is available to the public, and Viland said there are levels of access and levels of redaction.

Wang said the charter specifically says that the CPC should not go through the public records request process. Viland said he would have to defer to the CPC’s legal counsel.

Garrett-Ferguson asked which department would handle a situation with a CDP officer who is working a second job and a complaint is filed about them. Viland and Perez said it would be whichever department the complainant filed the complaint with.

She then asked about youth situations and the procedures followed in regard to complaints made by young people. Perez said usually those complaints come through the parents, and each situation is unique.

Perez said that officers bring complaint forms with them on rides, and sometimes they even help complainants fill out the forms.

Viland said that his department, Internal Affairs, usually looks at internally generated complaints and OPS is generally looking at complaints made by the public.

Earley pointed out that the new City of Cleveland website had debuted that day, with a completely new look and organization. He said that the OPS was buried deep, and Perez apologized and said they are aware and are looking at options about what to do about that.

Benito asked about the CPRB and OPS manuals, when and how they might be updated, and how the collaboration with the CPC was going to happen. Perez said they have been focusing on just getting into basic compliance with the old manual, which includes a lot of good things, but they are things the department has not done for a long time. So they are currently just getting up to speed with that. Perez said he does not have anything to do with the new manual and cannot speak on that.

Ridgeway said she has attended every single OPS meeting since April and has learned so much about how their department works, but that there is still room for more understanding of the processes, policies, and procedures between departments and protocols for the commission to follow when interacting with the various CDP departments.

Ridgeway also said that the statement that CPRB cases are final means that CPRB will not be changing their decision. But that isn't meant to imply that all avenues have been closed. She said Police Chief Wayne Drummond can reject the CPRB's findings. Ridgeway asked if either OPS or Internal Affairs has the authority to then appeal those cases. Perez said he does not know the answer to that.

Ridgeway gave a shout out to one of the OPS investigators who was attending the meeting. He stood up and she thanked him for his hard work. Then she asked Perez how he intends to work through the backlog of cases. He said the CPRB backlog is down to about 30 cases now. OPS has about 160 backlogged cases, he said. He also said OPS is hiring right now, and that will help with the backlog. He said all are welcome to apply on the website. He said they are thinking about internships and other ways to boost community engagement.

Jason Goodrick, interim executive director of the Community Police Commission, spoke next about some filled and unfilled job positions. He then talked about the committees and how they are required to come up with work plans, or frameworks, for what they will

be doing for the next 18 months. [These frameworks will be posted and available for public comment](#) for the next two weeks or longer if they haven't received enough comments yet. The plan is to have the frameworks accepted by the commission in September.

Ridgeway added that this is an opportunity for the public to see what the committees will be working on and a good opportunity for members to express their opinions.

Committee overview:

#### Internal Training Committee

Garrett-Ferguson and Earley, co-chairs

- They said they are considering two sessions:
  - Inviting the framers of Issue 24 to speak to explain their vision
  - Surveillance technology overview

#### Budget and Grants Committee

Adams, chair

- About 80 complete applications to go through
- Conflicts of interest were addressed
- Will be roughly 15 grants per commissioner to review
- Should be ready to go in September

#### Rules Committee

Wang, chair

- Motion to Advance Rule 1.7.2 Meeting Minutes to commission for vote
- Unanimously passed

#### Police Policy Committee

van Lier, chair

- They had sent a letter about RISE (Raising Investment in Safety to Everyone) to the mayor and received a response last Friday

#### Police Training Committee

Adams, chair

- Have sent a proposal that the police do training in front of the community, will be an event with outreach and community involvement
- Still working to lock in a date and hopefully will do the use-of-force training session

## Police Accountability Committee

Wang, chair

- She went over several workgroups they will be having:
  - Brady-Giglio workgroup: Will work to ensure exculpatory evidence based on officer credibility and integrity issues is given to defense
    - (Editor's note: This group will look at *Brady v. Maryland* and *Giglio v. United States* as it relates to officer credibility and integrity in Cleveland. Exculpatory evidence is evidence that either prove a defendant is innocent (*Brady*) or evidence that a witness is not credible (*Giglio*).
  - Discipline workgroup
  - Sexual misconduct and gender-based violence workgroup
  - Workforce accountability and monitoring group, which looks at sociological data and behavior outcome

## CPC Outreach Committee

Zayed, chair

- Annual community survey workgroup
- CPC outreach plan
- Community engagement
- CPC Consent Decree compliance chart
- Eager to work with individuals from the CDP recruitment team
- How to get those who would be qualified officers to apply

Final comments from public:

Richard Jackson, 30 years in the police department, one of the authors of Issue 24 and a former commissioner spoke about needing to really look at the bigger picture. He said commissioners should look at policies to see how some of them conflict with each other and to determine what needs to be re-written so they are accurate.

Final comment: A resident wanted to make sure they all understood that a huge portion of the population—African-American people—were still not being heard, acknowledged, or accounted for by the CDP. To build community outreach, he said, the police first have to make people feel safe.

8:28 p.m. adjourned.

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