

Civilian Police Review Board Standard Operating Procedure

Target Group:		Original Date of Issue:	Version
Target Group: Cleveland Clinic health system Police Department (CCPD) employees		Not Set	2
Approved by:	Date Last Approved/Reviewed:	Prepared by:	Effective Date
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Purpose

This standard operating procedure provides instructions for review and disposition of complaints filed against Cleveland Clinic Police Department (CCPD) personnel. The Civilian Police Review Board (CPRB) procedures are in accordance with requirements of CCPD’s Memorandum of Understanding (MOU) with Cleveland Police Department.

Definitions

Cleveland Clinic health system (excluding Nevada): Includes the main campus, Avon, Euclid, Fairview, Hillcrest, Lutheran, Marymount, Medina, Mercy, South Pointe, Children’s Hospital for Rehabilitation, and all Family Health Centers, Physician practice sites, Emergency Departments, Express Care Centers, Urgent Care Centers and Ambulatory Surgical Centers reporting to these facilities.

Civilian Police Review Board (CPRB) - A board made up of non-police department employees responsible for reviewing, investigating, hearing and making findings regarding all civilian complaints concerning CCPD’s policies and practices and the conduct of the police department employees as defined.

Citizen(s) – For the purposes of this document, ‘citizen’ will be defined as any person or people formally filing a complaint against a Cleveland Clinic Police Department employee. Citizen may include patients, visitors, and employees of the Cleveland Clinic as well as any member of the community.

Cleveland Clinic Police Department (CCPD) personnel - Includes all police department personnel excluding the Program Administrator and clerical or support staff.

Preponderance of Evidence - For purposes of this Standard Operating Procedure, Preponderance of Evidence means the greater weight of evidence, facts and circumstances presented and reviewed, which is more likely to persuade one to decide whether or not the employee's conduct is inconsistent or complies with CCPD and Cleveland Clinic policy, procedures, directives or training. Preponderance is based on the more convincing evidence, facts and circumstances, and its probable truth or accuracy, and not on the amount of evidence, facts and circumstances.

Instructions

The FOURTH ADMENDMENT TO THE AGREEMENT NO. 6697 ENTERED EFFECTIVE January 1st, 2019 by and between the City of Cleveland and the Cleveland Clinic (CC) under Article VII. Complaint Board mandates that the Cleveland Clinic Police Department (CCPD) establish a complaint board made up of non-CCPD employees who shall be responsible for reviewing, investigating, hearing and making findings regarding all civilian complaints concerning CCPD's policies and practices and the conduct of agencies officers and call takers/dispatchers. The complaint board shall determine if a civilian complaint warrants no action, or if corrective action is warranted. The MOU further states that the Cleveland Clinic shall take appropriate disciplinary action in response to the board's findings and shall provide written notification to the complaining party of the board's recommendations and any action or if no corrective action is warranted.

Upon request of the City of Cleveland's Chief of Police, CCPD will promptly provide any information the Chief may reasonably ask for in order to review the existence and operations of the CPRB.

In order for this purpose to be achieved, the Civilian Police Review Board (CPRB) shall have the authority to receive, cause investigation of, and recommend the resolution of public complaints regarding the alleged misconduct of police department employees. CCPD has adopted the City of Cleveland's CPRB for every employee defined in this SOP regardless of their assignment/work location.

A. Selection and Composition of the CPRB

The CPRB shall consist of five non-police department employees selected from the Office of Diversity and Inclusion; Office of Government Relations; Nursing Administration; Physician Representative; and Operations Administration. Additional non-voting members may be present including representation from Human Resources; Cleveland Clinic Law Department; and Protective Services Administration. New Board members can be selected by application to the CPRB or by board recruitment. Vacancies in an unexpired term shall be filled in the same manner.

B. Term of Board Members

Terms for Board Members shall be a minimum of two years.

C. Board Officers

The Board shall select one member to serve as the chair who will preside over meetings. The chair can select a designee during his or her absence. The chair may be called to lead meetings.

D. Orientation and Training

The Deputy Chief or designee, in consultation with the chair, shall be responsible for coordinating an orientation to familiarize new board members with CCPD policies, SOPs, Commission on Accreditation of Law Enforcement Agencies (CALEA), and police culture.

E. Quorum and Voting

Three (3) board members shall constitute a quorum. The affirmative vote by the majority of board members present shall be required to carry forward any recommendation relative to corrective action, policy modifications and or training.

F. Jurisdiction & Authority

1. The CPRB shall have jurisdiction over all complaints filed by citizens against CCPD employees designated within this SOP.
2. Typical complaints include:
 - a. Excessive Force
 - b. Criminal behavior
 - c. Illegal Search and Seizure of person, vehicle, including traffic stops and other property
 - d. Harassment complaints, to include those alleging bias, discrimination, and profiling
 - e. Second Offense of Unprofessional Conduct/Behavior complaints occurring in a rolling year.
 - f. Internal CCPD complaints against police employees and those determined to be Human Resources (HR) in nature shall not be heard by the board and will be resolved by the effected employee's supervisor and the Commander.

G. Filing a Board received complaint

Any citizen complaint received by a board member shall be documented and forwarded to the chair who will forward the complaint to the Deputy Chief. Complaints received by the Ombudsman office shall also be forwarded to the Deputy Chief. Complaints received by the Cleveland Police Department concerning misconduct by CCPD employees shall forwarded to the appropriate Commander as well. The Commander will order a review and investigation or the complaint in accordance to the [Internal Affairs Policy](#). Complaints relating to officer conduct will generally be referred to the Office of Inspections.

To ensure transparency, the board will have access to the investigative files of complaints they will be reviewing three (3) days prior to meeting. The files will be requested through the Deputy Chief.

H. Notice to Complainant

The Deputy Chief will notify the complainant upon receipt of the complaint.

I. Hearing & Review Procedures

The Board shall hear each case as soon as possible after receipt of the completed investigation from the Deputy Chief. The Board may request the complainant be present to give their version of what caused them to file the complaint. Additionally, the Board can request the involved police department employee(s) be present to provide their version and explain their actions. The Inspector or Police Supervisor responsible for the investigation may be called upon to present investigative findings and provide any request for information to provide clarity for the Board before making their disposition recommendation.

Upon the conclusion of their review of the complaint, the Board shall meet with the Deputy Chief and shall give weight to the recommended disposition(s). The Board is not bound by the recommendation, and shall reach its own disposition conclusion(s).

J. Disposition – Standards of Proof

No finding with respect to an allegation of a case shall be sustained unless it is proven by preponderance of the evidence, facts and circumstances presented.

K. Standard for Recommendation Regarding Corrective Action or Other Remedial Action

When considering a recommendation regarding corrective action or other remedial action, the Board shall apply a standard of “Just Cause.” In determining whether there is just cause for the recommended corrective or remedial action, the Board shall consider all of the following:

1. Was the CCPD/CC policy, procedure, directive or training at issue in place, documented and available to CCPD employees who are expected to follow it?
2. Was the assigned investigator’s investigation complete, fair and objective and consistent with [Internal Affairs Policy](#) .
3. Were sufficient evidence, facts and circumstances established by the preponderance standard that a violation of CCPD/CC policy, procedures, directive and training occurred?
4. Is the recommended corrective action consistent with the [Disciplinary Procedure](#).

L. Adjudication of Citizen Complaints

After the board has reviewed all the evidence, facts and circumstances for the complaint(s) it has reviewed, it shall vote on a recommendation using of one of the following findings for each allegation:

1. **Sustained:** Preponderance of evidence facts and circumstances supports a finding that the alleged violation(s) occurred and that the conduct was inconsistent with CCPD/CC policy, procedures, directives and training.
2. **Exonerated:** Preponderance of evidence, facts and circumstances supports the alleged conduct occurred, but the conduct was consistent with law, CCPD/CC policy, procedures, directives, and training.

3. **Unfounded:** Preponderance of evidence, facts and circumstances supports a finding that the alleged conduct did not occur.
4. **Non-substantiated:** Preponderance of evidence, facts and circumstances failed to establish whether or not the conduct occurred.

M. Final Summary

The board shall present a final summary to include their finding(s) and if applicable, their corrective or other actions recommendations. The board may also make recommendations regarding any commendations to be awarded employees after considering all the evidence, facts and circumstances presented for review.

The final summary shall be forwarded to the Chief of Police within five (5) working days. The Chief of Police shall hold a due process hearing, as required by law, (Louderman hearing) at which time the involved employee(s) may present evidence and give their version of the incident.

N. Notice of Chief of Police's Final Disposition

Within five (5) days of the conclusion of the due process hearing, the Chief of Police or designated representative, shall notify the involved employees, the complainant, and CPRB, in writing of the outcome, including the disposition of the allegations and any corrective action or actions imposed.

If the Chief of Police departs from the CPRB's recommendations, the Chief of Police shall provide a written explanation explaining his departure.

O. Right of Appeal to the Cleveland Clinic Board of Review

In the event of any corrective action greater than a documented counseling, the involved employee(s) have a right to appeal the finding through the Cleveland Clinic Right of Review Process. The [Right of Review Policy](#) describes the rights of an employee and how to appeal corrective actions and other actions.

P. Record Repository

All original records relating to this SOP shall be maintained by Cleveland Clinic Department of Human Services. Any record shall be made available to CPRB and the police department upon request for future alleged violations of CCPD/CC policies and procedures, directives and training and for the involved employee's Mid-Year and Annual Performance Review.

The Deputy Chief will maintain a log of complaints received and their final dispositions. The log will be confidential and only available to CCPD/PSD leadership, The CPRB, Human Resources, Law Department and the City of Cleveland Chief of Police when requested. Other requests for access to this information contained in the log must be approved by the Law Department.

Regulatory Requirement/References

Commission on Accreditation of Law Enforcement Agencies (CALEA)

Oversight and Responsibility

Police Department leadership, under the direction of the Chief of Police is responsible to review, revise, update, and operationalize this standard operating procedure to maintain compliance with regulatory or other requirements.