# Division of Diversity, Inclusion and University Engagement

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| REF: | Cleveland Heights Town Hall Meetings & Public Comment Report |

## Executive Summary:

The Cleveland State University Diversity Institute conducted a review and assessment of the policing policies developed by Lexipol, including use-of-force, bias-free policing, vehicle pursuit, and recruitment and hiring policies, to ensure they reflect the culture and values of the Cleveland Heights community and align with state and national best-practices.

This process included:

- An individual evaluation of each policy was submitted to the CHP
- Community members submitted comments and questions on the drafted policies through an online form
- Two virtual community town hall meetings were held to to obtain additional community feedback

This report is a compilation of the recommendations of the public comment and two town hall meetings.

Cleveland State University facilitated two virtual town hall meetings, which were open to the public. The sessions included representatives from the Cleveland Heights Police Department, the city government, and community members.

The first town hall meeting regarding the Vehicle Pursuit Policy and the Recruitment and Hiring policies took place on April 23, 2021. Fifty-four individuals registered for the meeting.

The second town hall regarding the Bias-Free Policing and Use of Force policies took place on April 28, 2021.  Sixty-nine individuals registered for the meeting.

Each meeting included a review of public comments and questions raised on the policies prior to the meeting and four facilitated breakout sessions guided by the following questions:

1. What would you add or delete to improve upon the policy, or is it fine as it stands?
2. What are some of your concerns with the implementation of the policy?
3. Is there anything else you would like us to know regarding this policy?
4. What are some of the strengths of the policy?

*Bolded sentences are the opinion of the Cleveland State University consulting group.
[Online Comments] indicate the suggestion was from the online form.

**Overall Themes of the Policy Review:**

The following themes emerged from the review of the public comments submitted through the online form and the two town hall meetings.

**Theme 1: Public Versions of the Policy**

- The policies should highlight specific areas that impact community members and clearly define key policy areas for a layperson.

**Theme 2: Accuracy & Transparency of Data & Reporting**

- There was a general concern about the accuracy of the Cleveland Height's Police Department's data (e.g., hiring information, recruitment efforts, traffic stops, use of force, etc.) and reports (e.g., who gets to see them, who reviews the reports).

**Theme 3: Higher Standards**

- Community members suggested that the Cleveland Heights Police Department hold itself to a high standard for the vast majority of the policies reviewed than just meeting minimum state and federal standards.

**Theme 4: Community Input & Accountability**

- Generally, community members indicated that they would like some decision-making input and a structure to continually review the Cleveland Heights Police Department operations (e.g., community review board, access to reports, transparency around when use of force was used, clearly defined department budget allocations, etc.).

Specific suggestions regarding a given policy are detailed below.

### Vehicle Pursuit Policy

The following suggestions were made regarding the policy:

1. The policy was challenging to read for the public. It was suggested that highlighting key elements of the policy could help the public easily understand how it impacts them.
2. There was support for not getting involved with pursuits from other jurisdictions.
3. There needs to be more explicit guidelines and specificity for what warrants a pursuit (e.g., defining what misdemeanor offenses are or if a stolen vehicle warrants a pursuit).
4. There was a concern around the review process only involving the chief (or a designee). Ideally, respondents would like a non-police civilian review board or a mix of officers and non-police civilians to review the reports.
5. There was a desire for keeping records of when pursuits occur and why they occurred. This record-keeping would allow for accountability and future analysis of the data.
   a. Record keeping/ capturing data should begin when the officer starts the pursuit (e.g., car camera is on).  It should keep track of the beginning, throughout, and to the end of the pursuit.
6. There was a concern regarding safety measures during pursuits and how they must be balanced with safety to pursue normal activities. Specifically, they were concerned with carjacking.
7. There should be more elaboration of the vehicle as a deadly weapon within the policy.
8. Is there coordination in surrounding cities around the pursuit policies? If pursuits are coming from one community to another, will everyone be clear on coordinating the implementation of the policy?

### Recruitment & Hiring Policy

1. Many of the community members were concerned with the education requirement of officers. They believe that officers should at least have an associate degree. They would prefer a bachelor's degree.
   a. One community member did mention that there is an incentive for the police department to support officers' continuing education. In other words, maybe not making it required but encouraging them to continue their education through tuition reimbursement programs. **Hospitals do this by incentivizing recent hires to continue their education with tuition reimbursement and increasing their salary once they obtain the degree relevant to their jobs.**
2. If college education cannot be changed, what other metrics (outside of degree attainment) measure a successful candidate?
   a. Are there measures for officers' desired skill set, including areas like critical thinking, creative thinking, etc.?

    b. **These measures of success should also consider areas like emotional intelligence.**

3. Regarding the officers' required age was suggested that there should be an increased minimum age from 21 to 24.

    a. **There is a concern that it would further complicate the hiring process since the pool of available candidates is limited.**

    b. Some were also concerned that there was an age limit about how old a person could be when they become a police officer.

4. There should be increased research on the backgrounds of recruits and their online activity. The research could include areas like the dark web and a thorough review of social media profiles. There was a concern about officers belonging to radical groups such as white supremacy groups.

5. A question was raised about why one has to be a U.S. citizen to be a police officer.

6. Background checks should include exploring if an officer was fired or resigned from other police departments and reviewing their disciplinary records.

    a. **This can also be merit-based by reviewing records for the positive acts officers have done. Some chiefs call these "attaboy" records on their file, which could be positive letters from the community or supervisors.**

7. Within the policy, there is a statement that highlights the preferred qualifications of the candidates. It was suggested that these qualifications should be required for all applicants (minimum qualifications).

8. There was a suggestion that the department increase training around de-escalation and understanding individuals with a mental health crisis or who have mental health challenges.

9. There was a desire from the public that there is increased transparency around the budget of the police department and how money is invested in community-based training (e.g., de-escalation).

10. Some community members wanted to know what the recruitment strategy was for the police department. Some suggested recruiting at historically black colleges and high schools with diverse populations, specifically Black and Latinx.

11. It was suggested that recruitment efforts focus on individuals with backgrounds or majors in psychology or social work and give them additional credit for these experiences.

    a. **We suggested in our policy review to give more points based on previous experience that are aligned with community policing; our recommendation would also include experiences such as being a K-12 teacher. However, this can be done on a case-by-case basis since other experiences might be community-oriented that are not specified in the policy (e.g., working at a non-profit doing community organizing).**

12. Starting at the academy, psychological tests should be administered throughout an officer's career (every three to five years), given officers' stressful jobs. This would also include a focus on mental health in an attempt to end the stigma of officers seeking mental health services.

    a. In addition to psychological tests, it was suggested that officers are screened for implicit bias before becoming officers.

    b. There were also some concerns about the validity of the psychological tests.

    c. Periodic counseling should be mandatory for officers.

13. Officers should receive additional points on their examination or preference if they are affiliated with Cleveland Heights (e.g., live in the community, grew up in the community, owned a business in the community, or have parents in the community, etc.). It would date back for 10 to 15 years. Including in the initial examination, as part of the test, officers need to score 70% to proceed in the hiring process. Could circumvent the Ohio Supreme Court decision that banned outright residency requirements.

14. The police department's culture should be that it demands the highest quality from the officers' performance.

15. How does the proposed policy differ from current policy in terms of achieving a diverse police force in Cleveland Heights? Have particular needs been identified regarding recruiting towards the goal of a diverse police force? [Online Comment]

## General Concerns around Both Recruitment & Hiring Policy and Recruitment & Hiring Policy  Policies

1. There was concern about how officers will buy into the policy and thoroughly follow the policy as intended. What will be the procedure of sharing the policies for them?
    a. There should also be consequences for not adhering to both policies.
    b. In the collective bargaining agreement, the chief is the final arbitrator (this should be made clear in the policy).

2. There should be ongoing training on these policies.

3. Data should be used (internally and externally) to perform all these policies within the police department to determine if they are being implemented correctly and if they are meeting their intended outcomes.
    a. This data can be used for the promotion of officers if they are successfully following the policy.
    b. Ensure transparency around this data; it should be available to the public.

## Bias-Free Policing Policy

The following suggestions were made regarding the Policy:

1. The Policy should not be referred to as "Biased Based Policing" because of confusion. It should be referred to as "Biased Free Policing."
    a. **CALEA standard for their biased based policy recommendations. This is a nationally recognized best practices policing organization. They recommend naming the policy "Biased Based Policing".**
    b. **CALEA Biased Policing is the application of police authority based on a common trait of a group. This includes but is not limited to race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or**

**language fluency. Law enforcement agencies should not condone biased policing in its enforcement programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, undermine legitimate law enforcement efforts, and may lead to claims of civil rights violations. Additionally, biased policing alienates the public, fosters distrust of law enforcement by the community, invites media scrutiny, invites legislative action, and judicial).**

2. There were multiple concerns about data accuracy and reporting
    c. Reporting should go beyond just traffic stops and include all interactions an officer has with a civilian such as search and seizure, use of force, criminal investigations, pedestrian stops, bike stops, etc.
    d. There should be a more accurate data gathering system for officers to report their interactions with civilians. If this process can be automated in some capacity, this would be ideal.
    e. If a report is generated that reviews officers' performance (from the shift level all the way to the Chief's office.), it should be made public, i.e., uploaded onto the city's website and in a timely fashion.
    f. These reports should be made available by public record access.
9. In addition to the annual report being made public, the bi-monthly Patrol Captain reviews of recordings and videos (as outlined in the Policy) should be made public [Online Comment].
10. The policy should address that officers need to be transparent and clear on why a civilian is being asked to do specific actions (e.g., get out of the car) by the officer—**We emphasize this type of transparency within the Building Mutual Respect and Community Trust Police Training.**
11. Reporting should be done on a quarterly basis.
12. Anti-bias, cultural competency training should be offered on an ongoing basis as continuing education.
13. Completion of anti-bias, cultural competency training should be a consideration in performance evaluations.
14. A question was raised about detecting and addressing the existence of possible bias, for example, with traffic stops.
15. 401.3 BIAS-BASED POLICING PROHIBITED
    a. A resident expressed concern that the statement gives leeway to differentiate along racial lines.

## Use of Force Policy

The following suggestions were made regarding the Policy:

1. There should be more explicit definitions of what the Pain Compliance technique is and the calculation for using it as opposed to deadly force.
2. The chokehold area needs to indicate that it can only be used when an officer needs to protect him/herself.

    a. Some community members believe the chokehold needs to be banned completely.

    b. A community member shared research from Professor Futterman of the University of Chicago, who suggests alternatives to the chokehold.

3. Community members were concerned about the officer's "perception" of when to use force versus "objective" reasons for using force. Suggesting the word "perception" gives the officers too much discretion.

4. It was suggested that the Cleveland Heights Police Department hold itself to a higher standard, particularly within the area of training, which states, "Training shall meet and support minimum standards..."

5. A community member shared in the chat the concern about CHPD used unjustified force on Davey Drake, tackling him in the Marc's on Coventry and arresting him.

6. Regarding the discussion of imminent vs. immediate or instantaneous, why not limit use of deadly force to when a suspect is pointing the weapon at officers/others, rather than just a suspicion of a weapon? "Imminent" gives too much leeway to officers to act with deadly force based solely off a suspicion.

7. Under 300.1.1 DEFINITIONS –Under Deadly Force: delete "and intended", to read: "Force reasonably anticipated to create a substantial likelihood of causing death or severe injury." The officer should need only to anticipate, not intend, a substantial likelihood of causing death or very serious injury. [Online Comment]

8. Under 300.2.1 DUTY TO INTERCEDE AND REPORT: Eliminate the words: "when in a position to intervene." If something is "beyond that which is objectively reasonable," the response should be an imperative that the officer "shall intercede," with no qualifiers. [Online Comment]

9. Under 300.3 USE OF FORCE: [Online Comment]

    a. Combine the first and second paragraphs into one paragraph to make it abundantly clear that "perceived by the officer at the time" has the limits set in the second paragraph.

    b. Delete the final sentence/paragraph; this is duplicative of the last sentence in 300.3.2; or delete the final sentence of 300.3.2. The statement needs to be paired with an assessment of the proportionality of the actions of the person being apprehended to the actions of the officer.

10. Seriousness not the offense should be considered before getting into use of force. There should be a sliding scale of what warrants use of force as a threshold matter. [Online Comment]

11. When it's reasonable to use force and the amount of force is not spelled out in the written poicy.  Policies are often not implemented in the real world. [Online Comment]

12. Under 300.3.1 DE-ESCALATION – ALTERNATIVE TACTICS: This should read "DE-ESCALATION - INITIAL TACTICS", not "alternative". Delete "When circumstances reasonably permit,…" [Online Comment]

    a. Add: "De-escalation should be the first approach in any interaction with the police." De-escalation should be the first step, always, for the reasons expressed in the text, and to prevent injury. Imagine if that had been done before Tamir Rice was killed. De-escalation allows time to assess a situation, to bring in additional resources – maybe mental health expertise -- to weigh proportionality of officer response to the situation.

    b. **Although, de-escalation is a particular tactic and used to stop someone from a dangerous behavior, what the community member suggests is that officers should always try to use tactics that avoid physical confrontations and slow down to assess a situation before resorting to a physical altercation**.

13. Under 300.4 DEADLY FORCE APPLICATIONS: This section deserves an introduction. We suggest a strong statement, maybe: "Deadly force shall be applied only as a last resort, if there is no feasible alternative available to the officer(s) in a given situation." [Online Comment]

    a. Plus add the GUIDING PRINCIPLE from the OCLEAC Standards Compliance Checklist: "The preservation of human life is of the highest value. [...] Therefore, officers must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force."

    b. It has been documented that traffic stops can escalate into situations in which deadly force is employed. This policy should clarify the steps to be taken to reduce possible escalation and to state when, if ever, use of deadly force is appropriate in a traffic stop.

    c. Eliminate the first two words "when feasible." It should be a requirement that the officer "make efforts." We believe the words "make efforts" provide sufficient flexibility.

    d. In the final paragraph of this section, eliminate all examples as they can be read to eliminate any responsibility on the part of the officer and allow a "template" for reports. The examples imply that all the officer has to do is say they believed they were in danger, whether a weapon was in play or not, and they are off the hook.

14. Move sections 300.3.5 CAROTID CONTROL HOLD and 300.3.6 USE OF CHOKEHOLD; place them under 300.4 DEADLY FORCE APPLICATIONS; re-number them to 300.4.2 CAROTID CONTROL HOLD and 300.4.3 USE OF CHOKEHOLD. Carotid Control Hold and Chokehold are both deadly force and their use is "limited to those circumstances where deadly force is authorized" [quoted from 300.3.5 and 300.3.6]. They should both be placed under the heading of DEADLY FORCE APPLICATIONS.[Online Comment]

15. Under 300.3.6 USE OF CHOKEHOLD:  [Online Comment]

    a. Use of a chokehold is such a critical issue that this policy should state when Chokehold is authorized rather than simply referring to other documents.

    b. There is nothing in 300.6 MEDICAL CONSIDERATION that explained when such force is authorized and we do not know what the "Medical Aid and Response

Policy" says. This is the Policy Document on Use of Force. It must make it abundantly clear when Chokehold is authorized and when it is not.

16. Under 300.6 MEDICAL CONSIDERATION: [Online Comment]
    a. Delete the first phrase ("Once it is reasonably safe to do so"). Not only is there is no explanation of what "once it is safe to do so" means, the sentence implies there are reasons not to call for medical assistance. The policy should begin "Medical assistance shall be provided . . ." because that is what we should require.
    b. In the last sentence of this section, eliminate the words "as soon as practicable." Officers who suspect a medical emergency should seek medical assistance (period). In that same last sentence, clarify what it means to "have medical personnel stage away."

17. PROTECT AND SERVE WITH EVOLVING BEST PRACTICES: Descriptions of qualified civil immunity for police and municipalities, based on US Supreme Court cases, are not appropriately in police policies. (See the OCLEAC Standards Compliance Checklist.) Policies around use of force (and all other policies) should be based on evolving best practices, founded on a common commitment to protect and serve our community, bias-free. We challenge the Cleveland Heights Police Department to change with the times, to recognize the reasons for a police department as well as other services, and to mesh all services to fully protect and serve our whole community for the goal of wellness rather than control. [Online Comment]

18. Given the long list of recent instances in the US of police stopping people for minor offenses, such as expired registration or air fresheners hanging from rear view mirrors, and police subsequently using force (including, unfortunately, deadly force), and reports of the anxiety experienced by drivers of color when stopped by the policy, I wonder whether there needs to be stronger emphasis on evaluation of the need for an arrest or stop at all. Capturing license plate information should enable communication with a driver by letter about the need to update registration, for instance. I don't know what percentage of the time of Cleveland Heights police is spent on traffic stops, but I would like to see our police put their emphasis on higher priority offenses rather than minor traffic violations. [Online Comment]
    a. During the town hall meeting, residents raised questions about the deployment of resources for traffic stops. Are traffic stops an effective use of officer time and a benefit to the community? Is there bias in deciding locations where officers are stationed for traffic patrol?