



RECOMMENDATIONS TO THE U.S. DEPARTMENT OF JUSTICE AND THE CITY OF CLEVELAND ON CONSENT DECREE REGARDING CLEVELAND DIVISION OF POLICE - 2/17/15

The Legal Aid Society of Cleveland (Legal Aid) secures justice and resolves fundamental problems for those who are low income and vulnerable by providing high quality legal services and working for systemic solutions. We were founded in Cleveland in 1905 making us one of the oldest legal aid organizations in the country. Throughout the decades, Legal Aid attorneys have represented Cleveland's most vulnerable and marginalized citizens on numerous issues. We continue today to work with people who are low income and vulnerable to resolve problems related to health and safety, housing, education and economic security. Our experience in these areas and serving Cleveland's low income communities provides a basis for offering the following recommendations.

When Legal Aid conducted a community needs assessment in 2010 we heard from many members of the community who expressed concerns about safety and about the Cleveland Police Department. Individuals and community groups raised the issues of the need for more police protection in certain neighborhoods, police profiling of youth and racial minorities, police reactions to domestic violence, and police interactions with persons with mental health needs and immigrants.

Legal Aid appreciates the opportunity to make recommendations regarding the planned consent decree between the US Department of Justice and the City of Cleveland. We recommend that the parties include the following elements as part of its more encompassing reforms:

Identify ways police and low-income people, neighborhoods and communities of color can build trust and confidence in each other:

- Develop a truth and reconciliation process using community forums for people to share directly with members of the police how their negative experiences with the police continue to impact their lives;
- Offer trainings for entire communities and the police to acquire skills in nonviolence and restorative justice;
- Offer reparations to individuals who have been harmed by the prior history of unnecessary use of force or police misconduct but who are currently without other recourse;
- Offer record sealing for individuals with convictions that were obtained through police misconduct;
- Commit to support (not undermine) grassroots efforts to address injustice;
- Offer trainings to police on how to nonviolently deescalate tension, conflict and violence;
- Offer trainings for entire communities and the police to learn how prejudice, negative perceptions and racist attitudes develop.

Creation of robust civilian review board and administrative complaint process with broad oversight responsibilities:

The effectiveness of any civilian review board and administrative complaint process depends on the degree to which it is understood, accessible, and trusted by the people who need to use it. To that end, informal and formal community leaders should be engaged in developing the board and process. The City should develop a public awareness campaign about the new board and process.

Complainants should be able to submit a complaint anonymously online but if they choose to be identified should be able to easily learn the status of complaints filed. The process should adhere to reasonable and published timelines for reaching resolution. An opportunity to appeal must exist outside of the administrative setting. Complainants should have the opportunity to be represented by a designated friend, family member or advocate (who may, but is not required to, be an attorney). The board must assume responsibility for ensuring access to all people, making any necessary accommodations, for people with limited English proficiency, who have mental health impairments, or otherwise need assistance navigating the board and complaint process.

Development of detailed, sustainable budget to fund the implementation of the consent decree reforms:

Success of the reforms will rest in large part on the City's willingness to incorporate the costs of the reforms into its operating budget. If the reforms are reliant on soft money from philanthropic sources, then those reforms will not be sustainable. While some costs will be one-time, most of the costs of reform, such as those for training, staffing, and equipment, will continue into the future. The City's commitment to sustaining those reforms should be reflected in a budget that incorporates these costs and funds them as part of its budget, rather than relying on soft money.

Explicit direction on best practices for police interacting with different groups including limited English proficient residents, people with mental illness, youth, and racial and religious minorities:

- With respect to LEP residents, the Division of Police must educate and train all personnel on how to comply with the requirements of Title VI of the Civil Rights Act, should make interpreters and translators accessible to police, should require the use of interpreters and translators when dealing with LEP residents, and should send written materials to residents in their primary language, rather than only in English;
- With respect to people with mental illness, the Division of Police must educate and train all personnel on how to comply with requirements of the Americans with Disabilities Act, and how to use best practices during interactions to ensure crisis situations deescalate rather than escalate;
- With respect to youth, the Division of Police must educate and train all personnel on the real differences in how youth (as opposed to adults) perceive and respond to information and situations, including best practices related to reconciliation, rehabilitation and reentry; and
- With respect to racial and religious minorities, the Division of Police must educate and train all personnel on implicit bias and other dynamics contributing to racially disparate impact of policing in our communities.

Require that the City of Cleveland collect and report data on all police activities in a transparent and accessible manner:

The on-going availability of data, including data concerning the gender, race, ethnicity and other demographic details of persons stopped and arrested will help to ensure the sustainability of these reforms. Making such data available to the community will help build trust between the community and the Division of Police and will help create an atmosphere of cooperation.